

Christina L. Johnson, SBN 114232
Aria Law Company
130 Miller Avenue
Mill Valley, CA 94941
Telephone: (415) 558.9800
Facsimile: (415) 389.8149
E-mail: arialaw@mindwspring.com

Attorneys for Plaintiff
CALIFORNIA PACIFIC LABS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA PACIFIC LABS, INC.,
a California corporation

Plaintiff,

vs.

NALGE NUNC INTERNATIONAL
CORPORATION, a Delaware
Corporation; and APOGENT
TECHNOLOGIES, Inc.

Defendants

Case No.: C 02-01418 JF

**DECLARATION OF RON NAJAFI IN
SUPPORT OF REPLY TO OPPOSITION
TO MOTION FOR PRELIMINARY
INJUNCTION**

Date: August 26, 2001
Time: 9:00 a.m.
Place: Courtroom 3
Before: Hon. Jeremy Fogel

I, Ron Najafi, declare:

1. Except as to those matters stated on information and belief, I make this declaration based on personal knowledge and, if called to testify herein, would and could competently testify to the facts set forth herein.

2. I am the principal of California Pacific Laboratories, Inc. ("CAL. LABS"). I will not reiterate my educational background as it is stated fully in my affidavit in support of the instant motion. I do, however, wish to emphasize my

1 background in organic chemistry and Ph.D. in organic chemistry
2 from U.C. Davis, California.

3 3. As president of California Pacific Laboratories, Inc.
4 ("CAL. LABS"), I have been directly involved in the marketing,
5 design, engineering, promotion, customer service and distributor
6 relations for our product entitled the Eco Funnel which has been
7 marketed and sold in forty different styles and designs.

8 4. As I testified in my last affidavit, CAL. LABS has sold
9 its product directly to customers as well as through
10 distributors such as Aldrich Chemical Co., ChemGlass Inc., Lab
11 Safety Supply Inc. and Nalge Nunc International, Inc. ("NALGE").

12 5. Until August of 2001, CAL LABS continued to promote
13 NALGE as a reputable distributor of the Eco Funnel under the
14 name of the Nalge Safety Waste Funnel.

15 6. Since the take over by NALGE of our product in violation
16 of both the distributorship agreement and the confidentiality
17 agreements attached to the Complaint herein as Exhibits "A," "B"
18 "C" "D" and "E" respectively, we have lost the goodwill of our
19 customers who continue to confuse defendants' product as
20 originating from CAL LABS. For example, from April 8 to 10 of
21 this year, I attended the American Chemical Society's Conference
22 in Orlando, Florida for the purpose of displaying and promoting
23 the Eco Funnel.

24 7. On at least two occasions I was informed by
25 professional chemists visiting our booth that they had purchased
26 large quantities of the Eco Funnel, which we were very pleased
27 about. However, after further discussion, we realized that
28 these customers had actually purchased the identical product

1 manufactured by sold by defendants NALGE and APOGENT
2 TECHNOLOGIES, INC. ("APOGENT"). The customers explained to me
3 that they thought they had purchased CAL LABS product with all
4 the features they had come to know through our extensive
5 advertising and other marketing efforts.

6 8. I am informed and believe that the customers'
7 expectations were also based on, among other things, prior
8 visits with representatives of our company and demonstrations of
9 our product at many trade shows and professional conferences.

10 9. NALGE and APOGENT continue to ride on our coat-tails by
11 taking advantage of all of our years of research and
12 development. They have blithely moved forward with their
13 promotion and sale of a product which they stopped purchasing
14 from us, thus further destroying our credibility in the
15 marketplace. They have severely undermined our market share in a
16 steady but demonstrable pace and have, in the course of these
17 underhanded tactics, decimated our business which has gone from
18 four employees to two employees. We have been forced to
19 eliminate our employee responsible for sales, marketing and
20 distributor relations and I and another employee have had to cut
21 back considerably on our time and efforts to promote the Eco
22 Funnel.

23 10. I am informed and believe that defendants are engaged
24 in the practice of switching orders that are originally for the
25 Eco Funnel, that manufactured by Cal Labs, and switching
26 customers to ECO Funnel that is now manufactured by Nalge.

27 11. I am further informed and believe that NALGE is
28 switching part numbers in order to deceive the consumer and to

1 achieve a seamless misrepresentation regarding the origination
2 of the Eco Funnel.

3 12. Because of their continuing acts of infringement of our
4 trade dress and breach of our confidential and proprietary trade
5 secrets in the form of customer lists, emission studies, and
6 marketing strategies (as pointed out in the Complaint herein),
7 CAL LABS is now in the position of closing its doors. (see Lisa
8 Hanna's inter-office memo requesting Cal Labs confidential
9 information on the emission study, which to date this study
10 confidential information is in confidential and out of the
11 public domain, see defendant's witness declaration exhibit 1,
12 item 3, attached to defendants' Opposition).

13 13. Until August of 2001, CAL LABS continued to promote
14 NALGE as a representative distributor of ECO Funnel that was
15 sold under the name Nalge Safety Waste System (see Exhibit F).

16 14. Approximately ninety five percent (97%) of CAL LABS
17 income is derived from sales of the Eco Funnel either through
18 direct sales or through distributors who are now confusing the
19 two products and assuming that NALGE has purchased CAL LABS or
20 somehow merged with CAL LABS. In fact, several customers have
21 stated that they thought this was the case.

22 15. In late 1995 and early 1996, CAL LABS promoted its
23 "phase zero" design which had a ball attached to the lid and had
24 a white color with no indentation in the lid. See Exhibits "G"
25 and "H". This "phase zero" design was also distributed by major
26 distributors such as Aldrich and Chem Glass. See Exhibits "I",
27 "J" and "K" attached herein.

28

1 16. The phase zero design formed the basis for the patent #
2 5,515,892 and the new, evolved product did not have the ball and
3 was therefore not covered by the patent. A new patent covering
4 the modified version was never obtained which is why the
5 defendants intense focus on the patent is nowhere supported by
6 the facts of this case nor have we alleged any cause of action
7 based on patent infringement.

8 17. Liz Reagan, a witness for defendants, states that CAL
9 LABs "pitched" their product to NALGE. This is contrary to
10 affidavit of Lisa Hanna, a former employee of NALGE. It was
11 NALGE who approached CAL LABs and not the other way around.

12 18. The original meeting was serendipitous that the
13 principals of the two companies even met at the Institute of
14 Food Technologists (IFT) at its Conference in New Orleans in
15 Louisiana in 1996.

16 19. It was Mr. Skapriwsky, the marketing manager of NALGE,
17 who initially indicated strong interest in the Eco Funnel while
18 visiting Cal Lab's trade booth at IFT.

19 20. CAL LABs insisted, as a condition of any meeting, on
20 the execution of a confidentiality agreement prior to any
21 meetings taking place in Rochester, New York. Such a document
22 was not routine for NALGE.

23 21. CAL LABs prepared pages one and two and NALGE added
24 pages 2 and 4 to the agreement. In the portion drafted by NALGE,
25 it agrees that an injunction will be mandatory upon a finding of
26 infringement or breach of the agreement and that, in fact, it is
27 the only adequate remedy. Defendants even attach their own
28 language to their opposition papers without any adequate

1 explanation for its inclusion other than enforcement should a
2 "breach or a threat of a breach occur", furthermore "this
3 agreement shall survive the termination of any business
4 relationship between the parties" (see Exhibits E, item 4 and 5,
5 herein attached)

6 22. For us, this agreement became the overall framework and
7 only assurance by which the parties could openly conduct their
8 business. The Agreement included new designs, potential
9 redesigns, and marketing studies (Exhibit B, line 5, herein
10 attached).

11 23. Nalge prepared the Agenda and upon arrival, Cal Lab
12 finalized the signing of the Overall framework agreement
13 referred to above. Agenda of our First Meeting in Rochester at
14 Nalge's is hereby attached (Exhibit "L", "M")

15 24. The agenda clearly delineates the spirit of the meeting
16 and the follow up; inter-office memos by Nalge indicate that the
17 level of integrity and interest was high for Cal Labs product.

18 25. Nalge discussed manufacturing and Licensing of ECO
19 Funnel with Cal Labs (see Liz Reagan declaration, exhibit 1,
20 item 7, and Exhibit "N", line 11, herein attached), However,
21 Nalge decided to initially purchase the product under a three-
22 year term, and if market warranted it, then they would begin
23 negotiating a licensing arrangement with Cal Lab. (Exhibit "O".
24 and "P"). Nalge was much interested in accommodating Cal Lab's
25 need to even pay in advance of each shipment.

26 26. Ms. Reagan stated (decl. Page 2, line 3), "The novelty
27 of the ECO Funnel™ was the ball attached to the lid to the
28 funnel". Firstly the Novelty of the Cal Lab's ECO Funnel,

1 either for phase zero (patent # 5,515,892) or phase I, was "ECO
2 Funnel" and what it did, and not the ball or any other
3 accessories. Ms. Reagan stated (decl page 2, line 3), "Nalge
4 and Dr. Najafi discussed certain redesign of the product to make
5 it more commercially acceptable, such as color, funnel shape
6 lid, shape, as well as elimination of the ball". Another word
7 there is many re-design of the ECO Funnel that can be
8 utilitarian and could have been marketed with the same function
9 and commercial end.

10 27. Ms. Reagan states in her declaration (page 2, line 8)
11 "The Nalgene® Safety Waste Funnel was designed with many
12 inherent safety Features". Firstly, Ms. Reagan use of The
13 Nalgene® Name repeatedly is referring to having their brand
14 imprinted on Cal Lab's ECO Funnel. By doing this Cal Lab, by no
15 means relinquished its ownership of its product, nor has it
16 given Nalge the right to design, or re-design, and/ or
17 manufacture Cal Lab's ECO Funnel, branded as Nalgene®.
18 This is the Cal Lab, ECO Funnel™ that we private labeled for
19 Nalge as per Nalge's purchase order based on our purchasing
20 agreement dated March 1997.

21 28. Ms. Liz Reagan in her declaration (page 2, line 9,8)
22 states "the red color lid provide a visual enhancement". That
23 is true, and in fact so do colors such as white, yellow and
24 orange. Ms. Reagan also states in page 2, line 15, that Nalge
25 suggested the color red to Cal Labs. In fact Cal Lab.
26 consulted with their other distributors, and design engineers as
27 well, and the final decision was made by Cal Lab management at
28 the time to go with red color for the lid and natural white for

1 the body of the funnel. Simply by Nalge making a suggestion,
2 does not give them ownership or any rights thereof Funnel™
3 (Exhibit "A thru. E" herein attached).

4 29. Color Coding is not mandated or recommended by OSHA for
5 the chemical industry. It is important to note that Occupational
6 Safety and Health Organization (OSHA) regulates work place
7 safety in agriculture, farming, offices, and chemical industry,
8 among others. OSHA is a sub-agency of the Department of Labor.

9 30. Ms. Reagan stated (decl, Page 2, line 17) "The red lid
10 is in conformance with the chemical industry color coding". Ms.
11 Reagan cites the following Code of Federal Registry:

12 CFR-20-1910.145 (f) App A. (Liz Reagan decl. Exhibit 2).

13 31. I, Ron Najafi, declare that CFR-20-1910.145 on OSHA's
14 website: www.osha.gov does refer to these color coding, however
15 these references are made as it relates to transportation
16 equipment relating to Agricultural Operations (Exhibit "Q"), and
17 a sub-section having to do with slow moving vehicle. In my
18 opinion and with the reasoning brought forth above, Ms. Reagan's
19 declaration (page 2, line 16), and her reasoning has no merit.

20 32. OSHA puts more emphasis on Warning Labels, Symbols
21 (such as fire symbol, radioactivity symbols, bio-hazard symbols,
22 etc)

23 33. In a report prepared by the National Advisory Committee
24 on Occupational Safety and Health (NACOSH), (Exhibit "R" and
25 "S"). This prestigious group of chemical industry experts
26 reported "The use of color coding systems as a sole means to
27 communicate hazard of chemicals should not be mandated by OSHA.
28 Should color coding be a part of a rule adopted under the

1 international harmonization efforts, OSHA should NOT make the
2 color coding a part of the US system", they also state (Exhibit
3 "T") "A small but significant segment of the population is color
4 blind. The use of color coding alone to represent hazards will
5 not be detected by these individuals and thus reliance on this
6 type of hazard communication alone would not only be
7 ineffective, but also potentially dangerous".

8 34. I, Ron Najafi, with over 20 years of experience in
9 chemical laboratory testify that use of symbols and explicit
10 warning labels are the approved and mandated way to communicate
11 danger or hazard in chemical industry. Simply having a color
12 that stands out in the laboratory is sufficient in communicating
13 the presence of an object. Such as colors that contrast well
14 with the laboratory settings. For example: Bright fluorescent
15 colors, orange, yellow, blue, white, Red, Green, are sufficient
16 for this purpose. Therefore Nalge is not mandated to use color
17 red.

18 35. In fact Cal Lab's other competitors have chosen white,
19 and yellow to distinguish their product in the market place.
20 (Exhibit "U", "V", "W", and "X"). Nalge's intentional use of
21 Red color in combination of other non-functional design part of
22 Cal Lab's ECO Funnel has created sufficient confusion in the
23 market place. Cal Lab. may not own the color red as it stands
24 on any other product, but it does own the red when it is in
25 combination with all the other feature, such as look and feel of
26 Cal Lab, ECO Funnel. The similarity of Cal Labs ECO Funnel
27 branded as Nalgene® and manufactured by Cal Labs (Exhibit "Y",
28

1 herein attached) and ECO Funnel™ branded as Nalgene® and
2 manufactured by Nalge (Exhibit "Z" herein attached) is striking.

3 36. We believe Nalge intended to make a smooth transition
4 from Cal Lab's manufactured ECO Funnel (Nalgene branded), to
5 Nalge Manufactured and Nalgene® branded ECO Funnels in the eyes
6 of the Cal Labs' customers.

7 37. Ms. Reagan in her declaration (page 2, line 20) states,
8 "The red lid is also recessed (indented) to allow for retention
9 of liquid accidentally poured into the funnel, should the lid be
10 closed".

11 38. As the designer of the Cal Lab's ECO Funnel™, we never
12 intended the funnel's lid to catch any liquid. In fact, Nalge
13 has now copied this recess of the lid of the ECO Funnel™
14 thinking it was functional. It serves no purpose whatsoever.
15 The funnel will function with or with out recess. In fact
16 customers will be much happier if we eliminated the recess.
17 This recess is needless, and serves no function.

18 39. This recess has resulted in customer complaint and has
19 resulted in customer mistakenly pouring liquid into the recess
20 area, thinking that the funnel is open. As a matter of fact
21 Nalge engineers expressed concern that customer may mistakenly
22 pour their liquid waste into the closed cap. (see Liz Reagan
23 declaration, exhibit 1, item 4). Since, this was Cal Lab design
24 and mold had been made, Cal Lab decided to maintain this unique
25 but un-necessary and non-functional feature. In 1996, Nalge had
26 no choice and went along with it.

27 40. Cal Labs Customers identify this non-functional
28 recessed lid with Cal Labs since 1996.

1 This mistaken design became somewhat of a "Point of discussion"
2 in a fun way between Cal Labs and its customers at various trade
3 show. And now Cal Lab customers "have come to identify" this
4 non-functional recessed lid with Cal Lab's ECO Funnel products.
5 An interesting and useless mistake that has also been copied by
6 Nalge.

7 41. Statement by Ms. Reagan (Decl. page 2, line 20) that
8 this recessed lid serves to catch liquid is incorrect. If the
9 cap were to not be recessed, then customers would see it and
10 will open the lid. It is only because of the recess that
11 customers have reported this problem.

12 42. Other Cal Labs competitors did not see functionality in
13 Cal Lab's recessed lid.

14 None of our other competitors found this recess necessary, for
15 their product to function.

16 (Exhibit "U", "V", "W" and "X")

17 43. Ms. Liz Reagan in her declaration (Page 2, line 23, 24)
18 stated "The Funnel's bowl shape design has a horizontal surface
19 area and is sloped to slow down the liquid stream as it enters
20 the container, thus reducing the splash back of the liquid while
21 pouring".

22 44. Let us define what splashing means. In my expert
23 opinion, the splashing that Ms. Reagan refers to is also known
24 as "Air Trapping". This is when you are pouring liquid rather
25 fast through a house hold funnel, and if the air is not
26 displaced fast enough from the same opening that liquid is going
27 down, then air is trapped and will cause the sound "Glop, Glop"
28 and bubbles begin to emit from the bottle and may cause

1 splashing. In the case of Nalgene® brand Nalge Safety Waste
2 made by Cal Labs or Nalgene® brand Safety Waste funnel made by
3 Nalge, this situation is not possible.

4 45. Splashing is not a function of the angle of the bowl
5 at all. This is the function of the air vent that is part of the
6 construction of the ECO Funnel. Both ECO Funnels™ vent air
7 though a separate route out of the bottle, hence resulting in
8 orderly displacement of the trapped air form insider the bottle.
9 Therefore, Ms. Reagan assertion in (page 2, line 23, 24 of her
10 declaration) is incorrect.

11 46. Changing the design of the bowl, will not be the cause
12 any of the splashing so long as the air that is trapped is
13 removed via a vent in an orderly fashion.

14 47. I, Ron Najafi, welcome the opportunity to demonstrate
15 this concept in an evidentiary hearing during the week of August
16 11, 2002 through August 26, 2002.

17 48. Other Competitors have not found the bowl shape design
18 Functional and necessary. They have been able to create other
19 design that prevents splashing and are competing with us fairly
20 and without infringement on our design or colors. (Exhibit
21 "U", "V", "W" and "X") It is surprising that Nalge with
22 tremendous engineering talent did not investigate this issue.

23 49. By Copying Cal Lab's Design, Nalge saved untold amount
24 of money on Research and Development. It is Cal Lab's assertion
25 that Nalge did not spend much time research and developing their
26 re-designed ECO Funnel™ now manufactured by Nalge solely based
27 on the fact that copying was the least expensive way to go.

28

1 50. Liz Reagan declaration (Page 2, line 26) states, "that
2 a conical shape design will be top heavy making an empty bottle
3 unstable". In fact bowl shape funnel on an empty funnel is also
4 top heavy as well. This really depends on the weight of the
5 funnel and its center of gravity. Nalge engineers could have
6 surely employed a conical shape or a rectangular shape, with
7 similar center of gravity. Additionally, top heaviness has
8 never been a big issue, especially since regulation calls for a
9 secondary container, which will help stabilize the ECO Funnel.

10 51. Nalgene® Safety Waste Label on ECO Funnel
11 As part of our "working Agreement" with Nalge we believed
12 Nalge's name would add credibility to our product, and help sell
13 more ECO Funnel™.

14 52. In 1998-2001 none of the major catalog distributors had
15 placed Nalgene® branded ECO Funnels in their major catalogs.
16 Nalge sales were expectedly slow. In fact we, Cal Labs tried to
17 help Nalge by promoting them on the back of our catalog, and
18 actively referring customers to Nalge. (Exhibit F, back page of
19 Cal Lab's catalog).

20 53. Cal Lab is a "One Product Company." Because of our
21 focus on ECO Funnel and because Cal Lab is a "One Product
22 Company" our focus and marketing impact was much higher than
23 Nalge in the early years. We advertised more, both in terms of
24 "foot soldering" and visiting customers along with our other
25 distributors. A sample of our advertising is attached (Exhibit
26 "A1" thru. "A12")

27 54. On Page 3, line 18 of the defendant's witness
28 declaration refers to customer complaints with regard to Cal

1 Labs, ECO Funnel. Yes, we had a few problems primarily with one
2 of the models. Nalge and Cal Labs mutual records and
3 correspondences will indicate that those issues were resolved to
4 mutual satisfaction of both parties. In fact same models are
5 now being sold by a number of our distributors with no customer
6 complaint. It is inherent to any new innovative product to
7 have minor problems.

8 55. New cars, new equipments, tools and other product get
9 routinely recalled. It is our assessment from the ECO Funnel
10 manufactured illegally by Nalge that they will have far more
11 complaints due to several design defects of their ECO Funnel.

12 56. In fact several customers have already complained to
13 us, thinking that ECO Funnel manufactured by Nalge was actually
14 our product. (Will make presentation in an evidentiary hearing)

15 57. Nalge has over 3000 products in their catalog, while
16 Cal Lab has one product (ECO Funnel) Ms. Reagan stated in her
17 declaration (page 3, 11), "Nalge currently has approximately 65
18 employees working in its development, manufacturing, marketing
19 and sales of the Nalgene® brand safety waste funnel", she goes
20 on by saying that Nalge's annual gross sales of Nalgene® safety
21 funnel is approximately \$180,000.

22 58. Let me clarify this by stating that in my opinion and
23 based on Lisa Hanna's declaration, Nalge has over 3000 products,
24 and it is very likely that the efforts of 65 people in marketing
25 department are spread across the board. Index of Nalge's catalog
26 is attached. (Exhibit A13)

27 59. Nalge is owned by Apogent with a market Cap of ~\$2
28 Billion dollars. Apogent Last year had Sales of ~1.00 Billion,

1 and Net income in the amount of 114.4 Million Dollars. Apogent
2 employs 6,400 persons. (Exhibit A14)

3 60. Ms. Reagan stated (declaration page 3, line 24) "Nalge
4 spent approximately \$80,000 on designing, printing and
5 distributing its catalog and advertisement featuring Nalgene®
6 Safety Waste System and Funnel.

7 61. Nalge also spent approximately \$50,000 in training its
8 30 sales representative." Ms. Reagan needs to clarify further
9 that Nalge spent \$80,000 on their entire catalog, which contains
10 over 3000 products. One of those is Nalgene® brand Safety waste
11 funnel.

12 62. This translates into advertising cost of \$26 per
13 product only. It is my understanding from Lisa Hanna that Sales
14 Reps, get trained over a wide range of products. Relative to the
15 size of the company, Cal Lab has spend far more in design,
16 research, prototypes, manufacturing, trade shows, color
17 brochures, etc.

18 63. It cost Cal Lab. 10,000 to print a small catalog with
19 40 different sizes and models of ECO Funnel, while, it cost
20 Nalge \$80,000 to print a catalog with 3000 products. This is
21 economy of scale that Cal Lab does not enjoy.

22 64. While Cal Labs has attended both semi-annual meeting
23 and exhibition of the American Chemical Society (ACS) trade
24 shows since 1996. (Cal Lab. advertising are attached), Nalge
25 decided to cut back their trade show spending in 1998, to only
26 one ACS trade show per year. It appears that Nalge has entirely
27 stopped attending the American Chemical Society Trade show
28 beginning August 2002.

1 65. Nalge Loss of \$500 per day will not harm Nalge
2 Ms. Reagan stated in her declaration (Page 3, line 27, 28) "if
3 the court ordered Nalge to stop selling its Nalge Safety Waste
4 Funnels, it is my estimation that Nalge will lose \$500 per day".

5 66. This amount will not harm Nalge and will not result in
6 any staff reduction whatsoever. \$500 per day is close to what
7 Cal Lab is Losing every day. Nalge has over 3000 products and
8 with a net income of \$114 million, can survive this loss until
9 such time court judgment is rendered.

10 67. On the other hand the impact on Cal Lab has been and
11 continues to be devastating. Cal Lab will be more that willing
12 to post bond as per order of the court.

13 68. One might look at individual legal points on every
14 single issue in trade dress cases, but this case require
15 attention to the close relationship between Cal Lab as an
16 inventor / manufacturer and Nalge as a distributor.

17 69. Because of their continuing acts of infringement of our
18 trade dress and breach of our confidential and proprietary trade
19 secrets in the form of customer lists, emission studies, and
20 marketing strategies (as pointed out in the Complaint herein),
21 CAL LABS is now in the position of closing its doors. Therefore
22 the Principals of Cal Lab. pray that this injunctive relief is
23 granted.

24 70. I am the principal of California Pacific Lab (Cal
25 Labs), as such I have personal knowledge of the matters set
26 forth herein, and if called to testify I could and would testify
27 completely hereto.

28

1 71. This declaration is being filed in support of
2 Plaintiff's Motion for Preliminary Injunction.

3 72. Attached here to Exhibit "A" is a true and correct
4 copy of a cover letter sent to Lisa Hanna of Nalge along with
5 the two page confidentiality agreement.

6
7 73. Attached here to Exhibit "B" is a true and correct
8 copy of Cal Labs confidentiality agreement, page 1

9
10 74. Attached here to Exhibit "C" is a true and correct
11 copy of Cal Labs confidentiality agreement, page 2

12 75. Attached here to Exhibit "D" is a true and correct
13 copy of Addendum to Confidentiality Agreement of California
14 Pacific Lab and Consulting (Cal Labs), page 3

15 76. Attached here to Exhibit "E" is a true and correct
16 copy of Addendum to Confidentiality Agreement of California
17 Pacific Lab and Consulting (Cal Labs), page 4

18 77. Attached here to Exhibit "F" is a true and correct
19 copy of the back of Cal Labs catalog promoting Cal Labs
20 distributors, including Nalge

21 78. Attached here to Exhibit "G" is a true and correct
22 copy of first brochure on Cal Labs phase zero product, which was
23 marketing direct and through distributors.

24 79. Attached here to Exhibit "H" is a true and correct
25 copy of of first brochure on Cal Labs phase zero product, which
26 was marketing direct and through distributors.

27

28

1 80. Attached here to Exhibit "I" is a true and correct
2 copy of ChemGlass Inc. distributor of Cal Lab's phase zero
3 design advertizing in their 1996 main catalog

4 81. Attached here to Exhibit "J" is a true and correct
5 copy of ChemGlass Inc. distributor of Cal Lab's phase zero
6 design advertizing in their 1996 main catalog

7 82. Attached here to Exhibit "K" is a true and correct
8 copy of ChemGlass Inc. distributor of Cal Lab's phase zero
9 design identifying Cal Lab's ECO Funnel trade mark in their 1996
10 main catalog.

11 83. Attached here to Exhibit "L" is a true and correct
12 copy of cover page to the Agenda of Nalge - Cal Labs first
13 meeting. Agenda was prepared by Nalge.

14 84. Attached here to Exhibit "M" is a true and correct
15 copy of actual Agenda of the first meeting between Cal Labs and
16 Nalge in Rochester, NY.

17 85. Attached here to Exhibit "N" is a true and correct
18 copy of Nalge inter-office memo faxed to Cal Labs (first page)

19 86. Attached here to Exhibit "N" is a true and correct
20 copy of Nalge inter-office memo faxed to Cal Labs (second page)

21 87. Attached here to Exhibit "O" is a true and correct
22 copy of signed Purchasing Agreement drafted by Nalge.

23 88. Attached here to Exhibit "P" is a true and correct
24 copy of "Amendment to Agreement between Nalge and Cal Labs"
25 signed on March 4, 1997

26 89. Attached here to Exhibit "Q" is a true and correct
27 copy of US Department of Labor, OSHA recommended color coding
28 regarding slow moving vehicles.

1 90. Attached here to Exhibit "R" is a true and correct
2 copy of National Advisory Committee on Occupational Safety and
3 Health (NACOSH). Report to OSHA on Hazard Communication. (Cover
4 page)

5 91. Attached here to Exhibit "S" is a true and correct
6 copy of "NACOSH" not recommending color coding for hazard
7 communication to OSHA

8 92. Attached here to Exhibit "T" is a true and correct
9 copy of "NACOSH" not recommending color coding for hazard
10 communication to OSHA because of many color blind individual.

11 93. Attached here to Exhibit "U" is a true and correct
12 copy of a competing product to Cal Labs.

13 (<http://www.hartleige.com/baelz/safety.htm>)

14 94. Attached here to Exhibit "V" is a true and correct
15 copy of DynaLabs competing product.

16 95. Attached here to Exhibit "W" is a true and correct
17 copy of Dynalab's competing product sold by A. Daigger & Company
18 of Vernon Hills, Illinois.

19 96. Attached here to Exhibit "X" is a true and correct
20 copy of Competing product sold by ScienceWare, a VWR company.

21 97. Attached here to Exhibit "Y" is a true and correct
22 copy of a color brochure featuring Cal Labs ECO Funnel
23 manufactured by Cal Labs and distributed by Nalge.

24 98. Attached here to Exhibit "Z" is a true and correct
25 copy of a color brochure featuring ECO Funnel manufactured by
26 Nalge and distributed by Nalge.

27

28

1 99. Attached here to Exhibit "A1" is a true and correct
2 copy of excerpts from Cal Labs color catalog featuring ECO
3 Funnel manufactured and sold by Cal Labs.

4 100. Attached here to Exhibit "A2" is a true and correct
5 copy of excerpts from Cal Labs catalog featuring ECO Funnel
6 manufactured and sold by Cal Labs.

7 101. Attached here to Exhibit "A3" is a true and correct
8 copy of a color sell sheet featuring ECO Funnel with HPLC
9 attachment manufactured and sold by Cal Labs.

10 102. Attached here to Exhibit "A4" is a true and correct
11 copy of color post card mailed to over 10,000 customer in the
12 United States.

13 103. Attached here to Exhibit "A5" is a true and correct
14 copy of color brochure featuring phase I product of Cal Labs ECO
15 Funnel in 1997.

16 104. Attached here to Exhibit "A6" is a true and correct
17 copy of color brochure featuring phase I product of Cal Labs ECO
18 Funnel in 1997.

19 105. Attached here to Exhibit "A7" is a true and correct
20 copy of color brochure featuring phase I product of Cal Labs ECO
21 Funnel in 1997.

22 106. Attached here to Exhibit "A8" is a true and correct
23 copy of color brochure featuring phase I product of Cal Labs ECO
24 Funnel in 1996.

25 107. Attached here to Exhibit "A9" is a true and correct
26 copy of color brochure featuring phase I product of Cal Labs ECO
27 Funnel in 1996.

28

1 108. Attached here to Exhibit "A10" is a true and correct
2 copy of color Aldrich sell sheet which Cal Lab designed,
3 prepared and paid for.

4 109. Attached here to Exhibit "A11" is a true and correct
5 copy of excerpts from Cal Labs color catalog featuring ECO
6 Funnels .

7 110. Attached here to Exhibit "A12" is a true and correct
8 copy of sales promotion postcard sent via SID corporation to
9 15,000 chemists across the United States

10 111. Attached here to Exhibit "A13" is a true and correct
11 copy of 2000 Nalge catalog page 1, featuring many products they
12 manufacture and market.

13 112. Attached here to Exhibit "A13" is a true and correct
14 copy of 2000 Nalge catalog page 4, featuring many products they
15 manufacture and market.

16 113. Attached here to Exhibit "A13" is a true and correct
17 copy of 2000 Nalge catalog page 5, featuring many products they
18 manufacture and market.

19 114. Attached here to Exhibit "A14" is a true and correct
20 copy of Nalge finances as printed from Yahoo finance on Apogent
21 Technologies Inc. (NYSE Symbol: AOT)

22 ([http://moneycentral.msn.com/investor/research/profile.asp?symbol](http://moneycentral.msn.com/investor/research/profile.asp?symbol=US%3aAOT)
23 [=US%3aAOT](http://moneycentral.msn.com/investor/research/profile.asp?symbol=US%3aAOT)

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

1 I declare under penalty of perjury under the laws of the
2 United States of American that the forgoing is true and correct.
3 Executed this twelfth day of August 2002, at Novato, California.

4
5 // Ron Najafi //
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



CALIFORNIA-PACIFIC LAB & CONSULTING

July 8, 1996

Lisa Lazzara
Nalge Nunc International
75 Panorama Creek Dr.
Rochester, New York 14602

Re: Confidentiality Agreement

Dear Lisa :

I am sorry that it took so long to get back to you with the attached confidentiality agreement.

We are planning to meet with you and others on July 22, 1996 (Monday morning).

We hope to be able to give a slide presentation on the problem ECO funnel addresses (30-45 minutes long + 30 minutes answer and question period).

If possible, we would like to meet with everyone that will be involved with the ECO Funnel project, either individually or as a group.

I appreciate if you could fax back the signed and dated copy and send a hard copy back by me by :

California-Pacific Lab & Consulting
2206 Cecilia Ave
San Francisco, CA 94116
Tel : 415-753-6053
Fax : 415-664-9222

Please feel free to call me any time,

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Ron Najafi'.

Ron Najafi, Ph.D.

Cal-Pacific Lab & Consulting

SAN FRANCISCO, CA 94116
Tel : 415-753-6053
Fax : 415-664-9222
E-MAIL: CALPAC@SIRUS.COM
HTTP://WWW.UP-LINK.COM/CALPAC/
HTTP://WWW.UP-LINK.COM/LASERS/

EXHIBIT A



CALIFORNIA-PACIFIC LAB & CONSULTING

July 8, 1996

Nalge Nunc International
75 Panorama Creek Dr.
Rochester, New York 14602

Re: Confidentiality Agreement

This letter concerns a proposed disclosure that we wish to make to **Nalge Nunc International** and those who work for **Nalge Nunc International**, regarding manufacturing and marketing of ECO Funnel. The purpose of the disclosure is to enable Nalge to fabricate, re-design, manufacture and market this product for California-Pacific Lab & Consulting of 2206 Cecilia Ave. of the city of San Francisco.

We consider the "ECO Funnel" and its utility to be proprietary and of considerable commercial value. Therefore, We are willing to disclose to Nalge and its subsidiary, informations related to the working of ECO Funnel, its design, what it accomplishes, the function of different components of ECO funnel, and the scope of "problem" that ECO funnel addresses, provided, Nalge accepts the information in confidence, make no use of the information other than for purposes set forth herein, and take safeguards to maintain the confidentiality of the "ECO Funnel".

This proposal shall include information disclosed to you in a writing marked confidential, and/or orally disclosed to you provided that the oral disclosure is reduced to writing in summary form within thirty (30) days of disclosure and submitted to you with a confidential marking.

The term of this Agreement and the period during which information may be disclosed hereunder shall be three (7) year from the date of acceptance of this letter. The period of confidentiality shall be during the term of this Agreement and for a period of five (5) years subsequent to its expiration, after which the burden of confidentiality shall terminate.

2206 CECILIA AVE
SAN FRANCISCO, CA 94115
TEL: 415-753-6053
FAX: 415-664-9222
E-MAIL: CALPAC@SRIUS.COM
HTTP://WWW.UP-LINK.COM/CALPAC/
HTTP://WWW.UP-LINK.COM/LASERS/

EXHIBIT

B



CALIFORNIA-PACIFIC LAB & CONSULTING

No rights to ECO Funnel are granted you, express or implied.

If the above is acceptable, please acknowledge acceptance by signing the enclosed copy of this letter and fax it back to us, and return a signed copy to me by mail at your earliest convenience.

Sincerely,

Ron Najafi, Ph.D.

Accepted by:

on behalf of Nalge Nunc International

print your name

(Date)

2206 GECHEVA AVE
SAN FRANCISCO, CA 94116
TEL: 415-753-6053
FAX: 415-664-9222
E-MAIL: CALPAC@SIR.US.COM
HTTP://WWW.UR-LINK.COM/CAL-PAC/
HTTP://WWW.UR-LINK.COM/LASERS/

EXHIBIT

C

July 18, 1996

Page #3.

**Addendum to Confidentiality Agreement of
California Pacific Lab and Consulting**

NOW, THEREFORE, the parties hereto agree as follows:



Nalge Nunc International
P.O. Box 20365
75 Panorama Creek Dr.
Rochester, NY 14602-0365
Tel 716-586-8800
Fax 716-586-8431

1. All information provided by California Pacific Lab and Consulting (hereinafter referred to as Cal Pacific) to Nalge Nunc International (hereinafter referred to as NNI) or any of its affiliated corporations or any of its employees, officers, directors or agents (collectively the "Nalge Parties"), whether written or oral, shall be deemed to be "Confidential Information" within the meaning of this Agreement. Notwithstanding, the foregoing, however, Confidential Information shall not include information (i) which is already in, or subsequently comes into, public domain other than through a violation of this Agreement; (ii) which is received by NNI on a non-confidential basis from a source other than Cal Pacific, which source is not prohibited from disclosing such information by any legal, contractual or fiduciary obligation to Cal Pacific; (iii) which is already known by NNI at the time of receipt from Cal Pacific; (iv) which is developed by an employee, agent or consultant of NNI who did not have access to the confidential information; or (v) which is disclosed by oral means but is not described in a writing which is sent by Cal Pacific to NNI within thirty (30) days of the disclosure.

2. NNI, on behalf of itself and all other Nalge Parties, agrees that any confidential information obtained by NNI shall be used solely for the purpose of allowing NNI to evaluate the proposed venture, and shall not be disclosed, discussed or distributed by any NNI party to a third party.

3. When requested by Cal Pacific, NNI Party shall promptly destroy (or at Cal Pacific's request, return) all copies of Confidential Information received by any NNI Party in written or other physical form and will promptly destroy all summaries or evaluations of such information prepared by it.

NNI acknowledges and agrees that any breach or threatened breach of the terms of this Agreement regarding the treatment of Confidential Information may result in irreparable damage to Cal Pacific and its affiliated corporations for which there will be no adequate remedy at law. Therefore, NNI agrees that in the event of

A Subsidiary of
Sybron
International

EXHIBIT **D**

any breach of this Agreement by any NNI Party, Cal Pacific will be entitled, in addition to any other rights and remedies available to it, to injunctive relief requiring the immediate return of all Confidential Information in the possession of any NNI Party or any such third party, and enjoining all NNI Parties and any parties to which it has made Confidential Information available from using Confidential Information in violation of this Agreement, without showing or proving any actual damages have been sustained.

5. This Agreement shall survive the termination of any business relationship between the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.



Nalge Nunc International
P.O. Box 20365
75 Panorama Creek Dr.
Rochester, NY 14602-0365
Tel 716-586-8800
Fax 716-586-8431

California Pacific Lab and Consulting
Company Name

By: Alex Najor
V.P. MKTNG 7/22/96
Title Date

Nalge Nunc International

By: [Signature]
Director of Product Development 7/18/96
Title Date

A Subsidiary of
Sybron
International

EXHIBIT E

REPRESENTATIVES

Eco Funnels are distributed by:



Aldrich Chemical Co. 2000-01 Catalog, p.T366-67 **1-800-558-9160**
www.sigma-aldrich.com



Chemglass Inc. Jan 2000 Catalog, p.185 **1-800-843-1794**
www.chemglass.com



Daigger **1-800-621-7193**
www.daigger.com



Lab Safety Supply Aug 99 Catalog, p.722 **1-800-356-0783**
www.labsafety.com



Nalge Nunc International 1998-99 Catalog, p.160 **1-800-625-4327**
Also ask for Safety Waste Funnels
through VWR, Baxter, Fisher
see <http://nalgenelab.nalgenunc.com/products/waste.html>



SciQuest.com Order OnLine Only **1-800-233-1121**
www.sciquest.com



VWR Scientific Products **1-800-932-5000**
www.vwrsp.com

Step in the right direction with Eco Funnel



If you cannot find your desired Eco Funnel through our distributors, please contact us.
Eco Funnels are manufactured by California Pacific Lab., Inc.

37 Commercial Blvd., Suite 100
Novato, California 94949 - USA
www.calpacilab.com

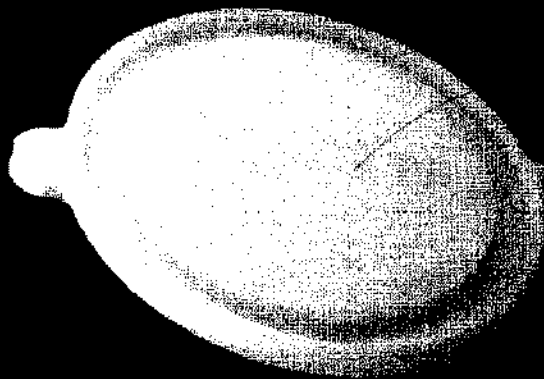
Toll free: 1-888-3-CALPAC, 1-888-322-5722 or (415) 883-2600 Fax: (415) 883-2656
info@calpacilab.com

All prices are subject to change without notice

EXHIBIT

F

EcoFuel



In the United States EcoFuel and container are
Distributed by:

EXHIBIT

G

Significant Payback

Assuming an average emission of 22 lb per year per 4.0 liter carboy, the five year estimate will be 5 X 22 lb. = 110 lb. The cost of the EcoFuel per lb. of emission minimization will be \$ 95.00 / 110.00 lb. = \$ 0.86 / lb of toxic air contaminants over a five years period. This is a bargain when compared with the expensive roof top emission control systems.

Also a significant payback will be:

- 1) To prevent exposure of the laboratory personnel to the potentially toxic and carcinogenic chemicals.
- 2) Convenient and easy to use. Needless atmospheric contamination will be avoided.
- 3) The quality and safety of the workplace is significantly improved with increased laboratory productivity.

Patent Pending



FUNNELS

CG-1759 ECO-FUNNEL™, POLYETHYLENE †

The ECO-FUNNEL™ is a new product designed to prevent volatile toxic air contaminants from evaporating into the laboratory work environment and eventually through the fume hood system of a laboratory, into the open atmosphere.

PROBLEM:

Typically a simple funnel is used in pouring waste solvent (Dichloromethane, Acetone, Ether, etc.) into a waste bottle or carboy. In most cases the funnel is left on the waste bottle permanently during the day, resulting in significant emission due to the evaporation of volatile compounds from the bottle or carboy into the laboratory environment or fume hood. At first look, it may seem that the contamination of the atmosphere from such sources may not be large enough to be important or significant. However, exact measurements have proven to the contrary. For example, an 8 liter carboy filled with 8 liters of dichloromethane will emit 500ml (1.5 lbs) of this solvent into the atmosphere within 5 days. This emission will vary depending on the type of solvents (VOC's) which are used. The fume hood face velocity can also affect the evaporation rate. However, for a typical fume hood at 700 CFM and a 4 Liter bottle with standard funnel waste bottle containing a mixture of: 1000ml of tetrahydrofuran (bp. 67°C), 1000ml of acetone (bp. 56°C) and 1500ml of dichloromethane (bp. 40°C) the emission rates were:

0.09 lbs. per 8 hours with a projected 33 lbs. in 1 year.

The proposed Clean Air Act regulations (40CFR264.173) will cover university laboratories, research institutes, biotech firms, small or large pharmaceutical research sites or any other company using volatile substances.

The regulations read:

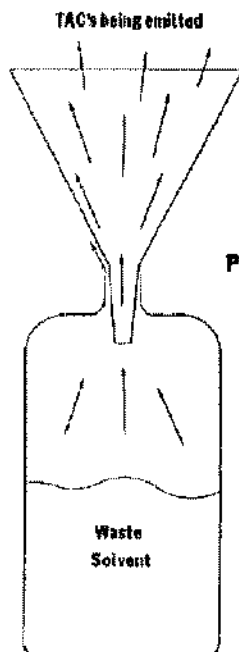
Regulation 2: Rule 1 - "For the purpose of meeting the laboratory exception of Section 2-1-113.2.12, Responsible laboratory management practices include all of the following measures for minimizing the emission of toxic air contaminants":

- 224.1 "Open container procedures involving materials that contain volatile toxic air contaminants (TACs) shall be avoided where feasible."
- 224.2 "Open container storage of volatile hazardous chemical waste shall be avoided."
- 224.3 "Training for laboratory employees handling hazardous materials shall include information about minimizing the emissions of volatile TACs. These employees shall be directed to avoid open container procedures involving volatile TACs where feasible, and to avoid open container storage of hazardous chemical waste."
- 224.6 Evaporation of any hazardous chemical waste containing TACs as a means of disposal shall be expressly forbidden.

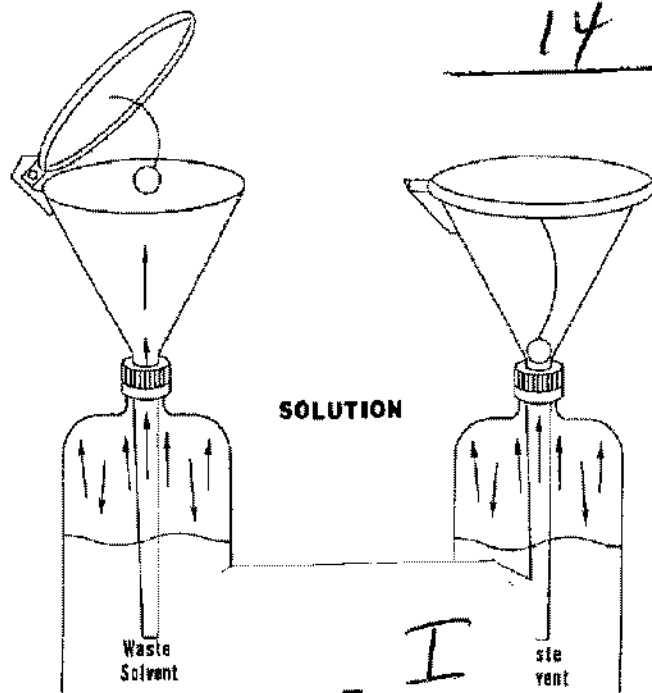
SOLUTION:

Exposure to these atmospheric contaminants and their release into the ecosystem represents an unfortunate reality with the use of standard funnels. We are pleased to offer a solution to this problem which allows laboratory personnel to use a funnel for their transfers, with the difference being that the funnel easily closes, thereby preventing the release of VOCs into the laboratory or through the fume hood into the atmosphere. It is a simple concept, but one which will be easy to implement and make the laboratory a safer place to work.

† PATENT PENDING



PROBLEM



SOLUTION

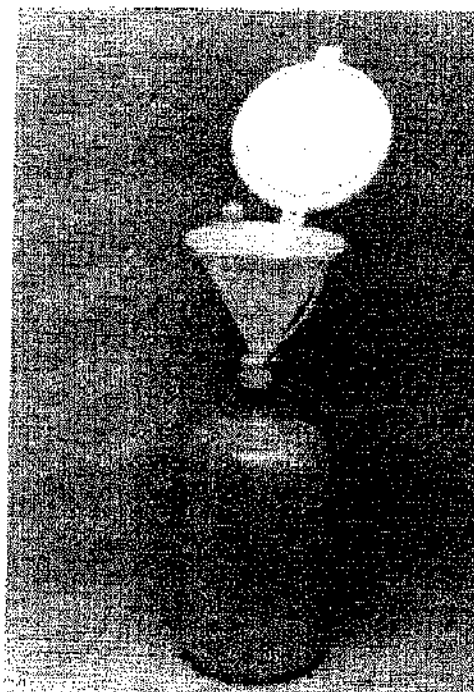
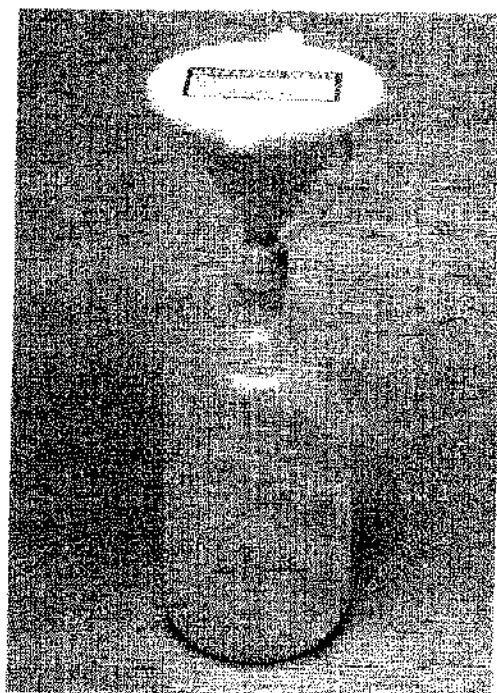
EXHIBIT I

FUNNELS

NEW

The ECO-FUNNEL™ has been designed with a lid connected to a shut bail providing a dual leak-proof seal. The lower stem is also sealed to the screw cap in order to prevent leakage between the interface of the cap and stem. Under the same conditions as were described above for the standard funnel, evaporation of the solvent mixture from the container using the ECO-FUNNEL™ was ZERO compared to 33 lbs. per year.

The ECO-FUNNEL™ is available in four sizes, to fit from 38-430 to 100mm threaded waste containers. Waste bottles are NOT SUPPLIED with the ECO-FUNNEL™ but can be ordered separately.



ECO-FUNNEL™ ORDERING INFORMATION:

Part Number	Fits Bottle Capacity / Shape	Thread Size	Price
CG-1759-01	4-Liter Round	38-430	79.00*
CG-1759-02	8-Liter Round	53B	85.00*
CG-1759-03	9-Liter Rectangular Carboy	100mm	85.00*
CG-1759-04	20-Liter Rectangular Carboy	70mm	90.00*

Note: Large Quantity Discounts are Available. Please call for details.

WASTE CONTAINER ORDERING INFORMATION:

Part Number	Bottle Capacity / Shape	Thread Size	Price
CG-1759-10	4-Liter Round	# 38-430	19.00*
CG-1759-11	8-Liter Round	# 53B	30.50*
CG-1759-12	9-Liter Rectangular Carboy	100mm	3
CG-1759-13	20-Liter Rectangular Carboy	70mm	8

† PATENT PENDING

EXHIBIT J

TECHNICAL INFORMATION

GLASS PROPERTIES

Unless otherwise stated, all Chemglass Brand Glassware meets ASTM Specification E438, Type 1, Class A, and is made from Schott Duran® glass or equivalent. Specifications for Duran® glass is as follows:

Maximum Short Time Use Temperature.....	500 °C
Annealing Point	560 °C
Softening Point	815 °C
Working Temperature.....	1270 °C
Linear Coefficient of Expansion.....	32.5 x 10 ⁻⁷ /°C (according to DIN 52328)
Refractive Index.....	1.473

TRADEMARKS

Chemglass Trademarks:

Chemglass, Airfree, Minum-Ware, Chem-Cap, Chem-Stir

Other Trademarks in this Catalog:

Cajon®.....	Crawford Fittings Inc.	Latch-Lid®.....	General Glassblowing
Celcon®.....	Hoechst Celanese	Micro-Mate®.....	Popper & Sons Inc.
ClearSeal®.....	Wheaton Scientific	Pipette Pump™.....	Bel-Art Products
Delrin-AF®.....	E.I. DuPont	Pyrex®.....	Corning Glassworks
DryKeeper™.....	Bel-Art Products	Rodaviss™.....	S.A.V. France
Duran®.....	Schott Glassworks	Safe-Lab®.....	Bel-Art Products
Eco-Funnel™.....	California-Pacific Lab	Spin-Bar®.....	Bel-Art Products
Flask-Up™.....	Bel-Art Products	Stronghold®.....	Harvard Apparatus
Holdfast™.....	Bel-Art Products	Suba-Seal™.....	William Freeman Ltd.
Hypervac™.....	HyVac Products Inc.	SVL®.....	Bibby Science Products
Kalrez®.....	E.I. DuPont	Swagelock®.....	Crawford Fittings Inc.
Kimax®.....	Kimble Glass Co.	Teflon®.....	E.I. DuPont
Kovar®.....	Westinghouse Inc.	Ultra-Torr®.....	Crawford Fittings Inc.
Krytox®.....	E.I. DuPont	Viton®.....	E.I. DuPont
LabJack®.....	Boekel Inc.		

In addition to the Chemglass manufactured products listed in this catalog, we are pleased to offer quality products from the following manufacturers:

Arrow Engineering
Bel-Art Products
Boekel Inc.
California-Pacific Labs
Crawford Fittings Inc.
E.I. DuPont
Fluid Metering Inc.
General Glassblowing
Glas-Col Inc.

Harvard Apparatus
Heraeus Amersil
HyVac Products Inc.
ICL Inc.
J-Kem Scientific
Kimble Glass Co.
Kloehn Inc.
KNF Neuberger Inc.
Kurt J. Lesker Inc.

Pope Scientific
Popper & Sons Inc.
S.A.V. France
Schott Glassworks
Upchurch Scientific
Wheaton Scientific
William Freeman Ltd.

EXHIBIT

K



Nalge Nunc
International

FAX TRANSMITTAL

DATE: July 16, 1996

TO: Ron Najafi- California-Pacific Lab & Consulting

FAX NO.: 415-644-9222

PHONE No. _____

FROM: Lisa M. Lazzara *ML*

FAX NO.: 716-586-3294

PHONE NO.: 716-264-3896

No. Of Pages 2
(including Cover Page)

cc: M. Reichgott, P. Skapriwsky

Enclosed you will find an agenda for our July 22, 1996 meeting. I plan to start the meeting at 9 am. Please feel free to add other items to the agenda.

I've been notified that the confidentiality agreement is with our lawyers. We are checking on it today.

Nalge Nunc International

NALGENE® Brand Products

A SUBSIDIARY OF

SYBRON
INTERNATIONAL

EXHIBIT L

Agenda for Meeting with Ron Najafi, California-Pacific Lab & Consulting, July 22, 1996



NNI Introduction

Peter Skapriwsky, Marketing Manager
Lisa M. Lazzara, Product Manager
Michael Reichgott, Product Development Director

C-P Presentation

overview of C-P (capabilities, mission) and Eco Funnel (customers, pricing, distribution, features and benefits, status of patent)

Review of Eco Funnel samples

Open Discussion

Manufacturing vs. licensing Eco Funnel
liability issues with NALGENE products (chemical resistance information)
other new product ideas

Nalge Nunc International
P.O. Box 20365
75 Panorama Creek Dr.
Rochester, NY 14602-0365
Tel 716-586-8600
Fax 716-586-8461

A Subsidiary of
Sylatron
International

EXHIBIT M



Interoffice Memo

To Ron Najafi
Jim Sanford
Paul Comeau

Date September 30, 1996

From Lisa M. Lazzara *L. Lazzara*

Subject Safety Solvent System
(Project # 96-1286)

cc: M. Reichgott, P. Skapriwsky, N. Tamburrini

A conference call was held 9/30 between Ron Najafi of California-Pacific, and Jim Sanford and Lisa Lazzara of NNI to discuss the Safety Solvent System project issues.

Items discussed included proposed funnel sizes, closures, and bottles, manufacturing options, prototypes request, potential January 1997 launch, and price structure for 1,000, 2,500, and 5,000 funnels. Initial inventory would be 250 of each size.



1. The Safety Solvent System sizes, closures and material offerings are as follows:
2L HDPE, 53B closure (cat # 2125-2000)
4L PP, 38-430 closure (cat # 2203-0010)
10L FLPE, 83B closure (cat# 2097-0020)

2.	The recommended funnel sizes are as follows:				
	Container	Funnel top I.D.	Stem top OD	Length of stem	Overall height
		110	12		329
	2L	120mm	12mm	229mm	305mm <i>76mm</i>
	4L	120mm/110	12mm	305mm	381mm <i>76mm</i>
	10L	197mm	TBD	356mm	422mm <i>76mm</i> <i>→ 405</i>

3. Secondary containers will be part of the project. 6501- safety bottle carriers and 6900- pans.
4. Ron Najafi mailed out a packet containing emission studies. We should receive it shortly. Ron will also send NNI a 38-430 funnel in the new design.
5. L. Lazzara will send C-P samples of 2 L bottles (with 53B closure) and 10 L carboys (with 83B closure).
6. Ron is in the process of making a 83B prototype for NNI.

Nalge Nunc International
NALGENE® Brand Products

EXHIBIT *N*
A SUBSIDIARY OF
SYBRON
INTERNATIONAL

7. Within the next few weeks (by the 3rd week in October), we should expect prototypes of all 3 funnels. All funnels from this point on will have a red cover. 
8. Paul, artwork is needed for the funnels. Information to include NALGENE brand name, Made in U.S.A. and the catalog number. Ron feels they will either silkscreen or hot stamp the information on the funnel below the cover latch.
9. We all agreed by the end of October everything should be completed. We told Ron we would introduce the product as soon as we have stock which may be later than January.
10. Jim and Lisa gave Ron the sales forecasts. Ron to get NNI pricing, based on the forecasts, by the October 4th.
11. We discussed manufacturing issues. NNI wants C-P to manufacture the funnels for the time being. NNI will monitor sales and work towards molding the funnels in-house. California-Pacific does have a vacuum thermo-forming vendor. 

E EXHIBIT N

March 4, 1997

Ron Najafi
California-Pacific Lab & Consulting



RE: Purchasing Agreement between California-Pacific (C-P) and Nalge Nunc International (NNI) Corporation

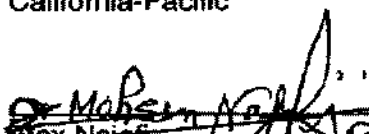
The following points are agreed upon:



1. C-P agrees to supply NNI with 3 ECO funnel designs made of HDPE. Delivery being 60 to 90 days.
2. NNI agrees to supply C-P with sales quantity forecasts for ECO funnels.
3. C-P agrees that ECO funnel designs (3) are exclusive to NNI. Guaranteed unit quantities being 3,500 first year, 4,200 second year and 5,000 third year per funnel design. Annual adjustments to be negotiated.
4. NNI has the exclusive distribution of ECO funnels through major distributors worldwide; list attached, excluding Aldrich Chemical Co., Lab Safety Supply, and ChemGlass Inc.
5. NNI and C-P agree to provide 1 year notice of discontinuation of this agreement (supplying ECO funnels, etc.).
6. C-P agrees to provide 60 day notice of any proposed price change to products purchased.

Nalge Nunc International
P.O. Box 20365
75 Panorama Creek Dr.
Rochester, NY 14602-0365
Tel 716-586-8800
Fax 716-586-8431


Ron Najafi
California-Pacific

A Subsidiary of
Sybron
International


Alex Najafi
California-Pacific
President CEO


Peter Skapriwsky
Marketing Manager
NNI

Nick Tamburrini
Purchasing Manager
NNI

EXHIBIT

0

September 22, 1997

Amendment to Purchasing Agreement between Nalge Nunc International (NNI) and California-Pacific Lab & Consulting (C-P), signed 3/4/97.





The following terms are now applicable to payments and shipments of NALGENE Safety Waste Funnels (product) for the initial 12 months:

1. NNI agrees to prepay C-P the first 3 shipments (first 3 months) of product, and
2. NNI agrees to pay C-P for product for the remaining months (months 4 to 12) thirty (30) days in advance of shipment.

Signed:


Ron Najafi
California-Pacific


Alex Najafi
California-Pacific


Karen Dally
Nalge Nunc International

Nick Tamburrini
Nalge Nunc International

Nalge Nunc International
P.O. Box 20365
75 Panorama Creek Drive
Rochester, NY 14602
Tel 716-586-8800
Fax 716-586-3294
www.nalgenunc.com

A Subsidiary of
Sybron
International



EXHIBIT P



U.S. Department of Labor
Occupational Safety & Health Administration

www.osha.gov

Search

GO Advanced Search



Safety and Health Topics:

August 10, 2002

Agricultural Operations (continued)

**Safety
Topics**

**Agri-
Oper-
Re-
Ev-
Co-
Co-
Tr-
Ot-
Cr-**

Compliance

■ **OSHA Standards**

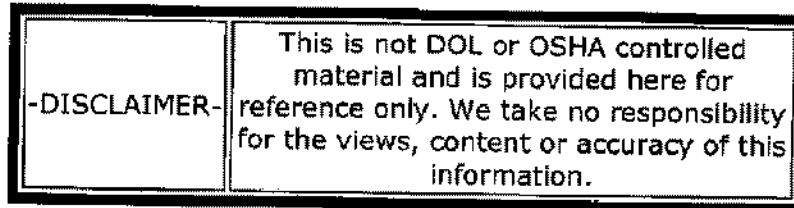
- 1928.21, Applicability of Standards in 29 CFR Part 1910. The following standards in part 1910 shall apply to agricultural operations:
 - 1910.142, Temporary labor camps
 - 1910.111(a) and (b), Storage and handling of anhydrous ammonia
 - 1910.266, Logging Operations
 - App A, First-aid Kits (Mandatory).
 - App B, First-aid and CPR Training (Mandatory).
 - App C, Comparable ISO Standards (Non-mandatory)
- 1910.145, Slow-moving vehicles
 - 1910.145(f) App A, Recommended color coding
 - 1910.145(f) App B, References for further information
- 1910.1200, Hazard Communication.
 - App A, Health Hazard Definitions (Mandatory)
 - App B, Hazard determination (Mandatory)
 - App C, Removed by Federal Register 3/7/96.
 - App D, Definition of "Trade Secret" (Mandatory)
 - App E, Guidelines for Employer Compliance (Advisory)
- 1910.1201, Retention of DOT markings, placards, and labels.
- 1910.1027, Cadmium.
 - App A, Substance Safety Data Sheet - Cadmium
 - App B, Substances Technical Guidelines for Cadmium
 - App C, Qualitative and Quantitative Fit Testing Procedures
 - App D, Occupational Health History Interview With Reference to Cadmium Exposure
 - App E, Cadmium in Workplace Atmospheres
 - App F, Nonmandatory Protocol for Biological Monitoring
- 1928.51, Roll-over protective structures (ROPS) for tractors used in agricultural operations.
 - 1928 Subpart C App A, Employee operating instruction
- 1928.57, Guarding of farm field equipment, farmstead equipment, and cotton gins.
- 1928.110, Field Sanitation.
- 1928.1027, Cadmium. See 1910.1027.
 - App A, Substance Safety Data Sheet - Cadmium
 - App B, Substances Technical Guidelines for Cadmium
 - App C, Qualitative and Quantitative Fit Testing Procedures
 - App D, Occupational Health History Interview With Reference to Cadm Exposure

E, EXHIBIT

Q

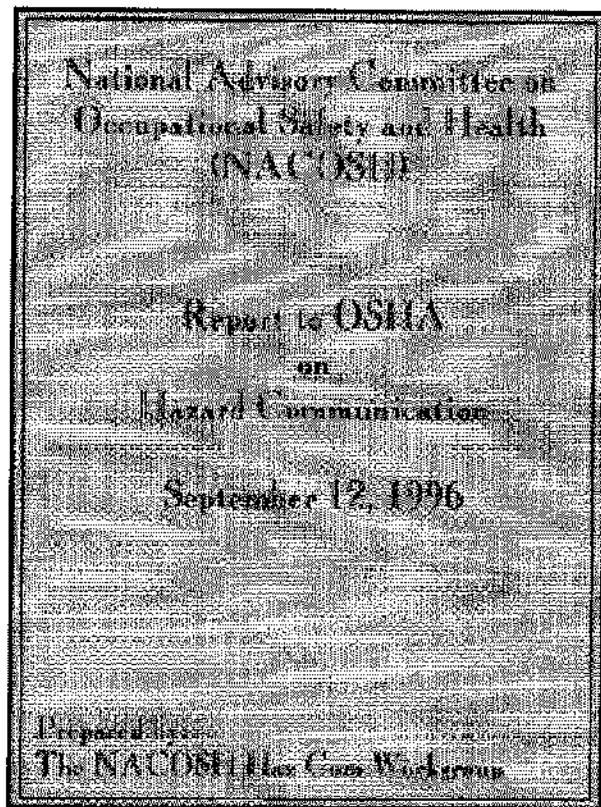


Technical Links > Hazard Communications



REPORT OF THE HAZARD COMMUNICATION WORKGROUP TO THE NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH (NACOSH)

The National Advisory Committee on Occupational Safety and Health (NACOSH) prepared the following report on Hazard Communication to provide recommendations to the Occupational Safety and Health Administration (OSHA). This report is provided on OSHA's Web Site for informational purposes only. The ideas presented herein are not necessarily endorsed by OSHA and do not represent a policy statement or rulemaking effort by OSHA.



The report is organized as follows:

- Part I Executive Summary
- Part II Recommendations of the Workgroup
- Part III Background and Workgroup Membership
- Part IV Summary of Public Input
- Part V Discussion of Issues
- Part VI Conclusions
- Appendix A Workgroup Members
- Appendix B The Hazard Communication Standard
- Appendix C Brief History of Hazard Communication
- Appendix D Summary of Presentations and Comments from the Public
- Appendix E Summary of ANSI Z400.1

This report was accepted by NACOSH on September 12, 1996, and transmitted to the Occupat

Ex

EXHIBIT

R

2) OSHA should endorse the addition of a statement by the MSDS preparer which indicates whether the product is regulated under the Hazard Communication Standard (HCS) as a hazardous chemical. The statement should also indicate the hazard classification type as defined in the HCS and its appendices. This information should be on the first page of the MSDS allowing users to separate, if desired, the MSDSs falling under the HCS from other MSDSs.

3) OSHA should actively participate in future ANSI Z400.1 revisions as part of these endorsements. This would include providing the ANSI Z400.1 Committee the recommendations made by this workgroup.

4) OSHA, possibly in partnership with industry, labor and professional associations, should develop a guidance document to describe, in a step-by-step manner, how to conduct a hazard determination. This publication should help small businesses improve the accuracy of their MSDSs and help users determine their quality.

Recommendations Related to Labeling

5) OSHA should not unilaterally mandate the use of symbols for MSDSs and labels until symbol validation studies are carried out. The United States should insist on validation studies before symbols become part of an internationally-harmonized system. Should symbols become part of a rule adopted by the US, OSHA should require employee training on the meaning of the symbols.

6) The use of color coding systems as the sole means to communicate hazards of a chemical should not be mandated for OSHA labels. Should color coding be a part of a rule adopted under international harmonization efforts, OSHA should not make the color coding a part of the US system until the validation studies are carried out and training is required. Color coding should not be used as the sole means to communicate hazard to the extent that a color blind person would be deprived of necessary information.

7) The workgroup supports the current hazard communication requirement for a label attached to the container and the availability of an MSDS in the work area.

8) OSHA should endorse ANSI Z129.1-1994 as a consistent approach for precautionary labeling.

Recommendations Related to Electronic Management of MSDSs

9) OSHA should adopt the following policy regarding electronic access to MSDSs in lieu of paper copies kept at the worksite:

- Working electronic devices must be readily accessible in the workplace at all times.
- All workers must be trained in the use of these devices (including the specific software).
- The employer must have an adequate backup plan for rapid access to MSDSs in the event of an emergency, including an interruption in power.

10) OSHA should adopt a policy that specifies that the use of off-site MSDS management services meets the requirements of the HCS only if MSDSs are readily available to employees, either as hard copies in the workplace, or through electronic means as described above (recommendation # 9). OSHA should make it clear that the use of an off-site MSDS management service does not relieve the employer of the obligation to receive and utilize the information from the MSDSs being managed to develop and implement a site-specific hazard communication program under paragraph (e) of the HCS.

Recommendations Related to Employee Training

11) OSHA should develop "model" training programs, based upon the best existing programs and the experience of educators, industry, labor, professional organizations and others, which cover all aspects of the training required by the HCS. Programs should include general elements directly usable by employees, guidelines to assist employers in developing site-specific training, and techniques which are sensitive to employees without basic language and mathematical skills. Programs should also include evaluation criteria to assess the overall effectiveness of the training provided. These criteria should be added to non-mandatory Appendix E of the HCS. The program evaluation should not be used to assess or evaluate individual employee performance.

12) OSHA should better communicate to industry, trade associations and compliance officers what portions of the training, as currently stated in Appendix E, Part C, are meant to stay with the employee when he goes from employer to another.

Recommendations Related to Enforcement of the HCS

Exh S
EXHIBIT ---

30 years. The HCS only requires MSDSs to be maintained in the workplace while the hazardous chemical is present. We believe the confusion in this area is between the requirements of the Access to Employee Exposure and Medical Records regulation and the HCS. Under the Access rule (29 CFR 1910.20), employers must maintain records of employee exposure for 30 years. This is to account for long latency periods between exposures and manifestation of diseases such as cancer. Since many employers do not measure employee exposures, the Access rule has identified certain records such as MSDSs that would be considered substitutes for exposure records because they document that the chemical was present in the workplace. In this case, the MSDSs may have to be maintained for 30 years under 29 CFR 1910.20. However, the employer has the option of generating a record of exposure, such as a list of the chemicals present and the employees exposed to them, in lieu of keeping the MSDSs. The workgroup does not have a recommendation for this issue.

Issues Related to Labeling

While the President's Report did not specifically mention labels as an issue to be addressed by the workgroup, it was clear from the public input that there are concerns in this area as well. Thus the workgroup would like to address several of the issues raised, as well as to make some recommendations in certain areas.

Several commenters suggested that OSHA mandate the use of color coding or graphic hazard symbols on labels to improve hazard communication programs. They felt that this practice would facilitate training, make workers more easily aware of the hazards of the product with which they are working and provide a better handle on the management of MSDS by hazards. In addition, they feel colors and pictograms would alleviate language barriers and reading difficulties. No recommendations were made by the presenters as to specific hazard graphic symbols or color coding to be used. OSHA's current requirements are performance-oriented, and thus allow the use of symbols and color coding where appropriate but do not mandate their use.

A number of other domestic standards and international laws currently mandate the use of graphic hazard symbols on labels. In the transportation area, the US Department of Transportation (DOT), the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) require that the United Nations symbols for hazard labels and/or placards be placed on packages that contain hazardous materials as one method to communicate the material's hazards for transportation purposes. The European Union (EU) and the Canadian Workplace Hazardous Materials Information System (WHMIS) also require the use of pictograms on labels to represent the intrinsic hazards of the product. The symbols/pictograms used by these standards to represent a specific hazard, e.g., flammability, may be somewhat similar but not identical. U.S. workers are currently being exposed to IMO, ICAO, EU and WHMIS symbols/pictograms due to the large amount of imported materials being used. Whether or not these symbols/pictograms are included in the employer's training program is not known.

Only a few studies have been carried out to validate the ability of these graphic symbols to convey the hazard they are intended to represent. Results of a symbol study carried out by the National Bureau of Standards (NBS) for the National Institute for Occupational Safety and Health (NIOSH) in 1982 (Publication Report No. NBSIR 82-4285) reported the unanticipated finding of the relatively poor performance of several symbols widely in use, including some symbols required by DOT. This indicated that, under the parameters of this study, some of the hazards were not readily identifiable from the labels representing those hazards. A more recent study tested the validity of a set of graphic symbols representing hazards of relevance to the chemical and related industries (CMA Project #80-430-088, by Fairfield Consulting Associates, Inc. 1986). These hazards were: toxicity, corrosivity, oxidation, flammability, sensitization, explosivity, reactivity and irritation. Only four hazards were recognized by the symbols used and not all symbols in use for the same hazard were understood.

The results of both studies indicate the need to evaluate symbol/pictogram understanding before adoption. They also indicate that a clear training program on the meaning of the symbols/pictograms must be an integral part of their use to communicate product hazards if they are to be a useful tool in promoting worker's safety and health.

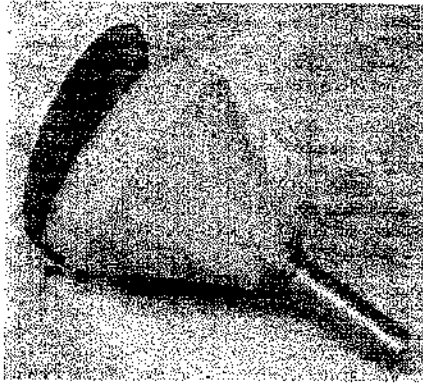
A small but significant segment of the population is color blind. The use of color coding alone to represent hazards will not be detected by these individuals and thus reliance on this type of hazard communication alone would not only be ineffective but also potentially harmful.

Some employers currently use an in-plant labeling system originally developed by the National Paint and Coatings Association (NPCA). Members of NPCA use many chemicals to formulate paint products, and often have various batches during a shift with different chemicals and hazards. They believed that a unique approach to addressing this type of workplace operation would best serve their members and protect their employees, and thus developed the Hazardous Materials Information System (HMIS®) to address their needs. This system uses pictograms, color coding, and a numerical rating system to indicate the relative degree of hazard.

The HMIS® was used by employers prior to adoption of the HCS in 1983. OSHA, in making a determination on whether this system could be used to comply with the HCS, noted the need for training to know what the symbols and the rating system means and therefore confined its use to in-plant labeling only. The recommendations made by the workgroup reinforce that decision and the necessity of training for the use of symbols/pictograms and a specific numbering system.

While the workgroup does not believe that OSHA should mandate the use of symbols, pictograms, or color coding at

Safety Funnel



120

- 10" (254mm) diameter
- Lid with fusible link
- Integral flame arrestor
- Brass spout threaded 2" and 1½" BSP



6

EXHIBIT U

3

pounds - essential for structural elucidation. Other improvements include new interfaces to link various systems and allow for control and data analysis from a single PC.



in the world. The new Surveyor LC/MS system features the Surveyor MS detector for HPLC and is the world's first desktop LC/MS system. At 11 cm wide, it takes less than 2/3 the bench space of any other LC/MS. The new LCQ Deca XPplus is the most sensitive ion trap mass spectrometer available for LC/MS. New improvements to source and ion optics increase trap sensitivity by up to an order of magnitude. The introduction of Sweep Gas, a counter current gas to aid in desolvation, boosts ruggedness and reduces chemical noise, which

DYNALAB

Hazardous Materials Safety Funnel

The NEW Dynalab self-closing hazardous materials funnel was designed to eliminate the condition of hazardous waste bottles not being capped at all times except when in use. Federal EPA regulation 40 CFR Sec. 264.173 (a) "Management of Containers" states, "A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste." In many research and testing laboratories it is very common to find a funnel placed in a waste bottle with no cap on it. The bottle with a funnel placed in it, most often in a fume hood, allows for the evaporation of volatile components with a subsequent release of hazardous materials to the environment. The EPA are heavily fining violators of this regulation. The proper use of the Dynalab self-closing hazardous materials funnel would eliminate this type of violation.

Dynalab's new self-closing hazardous materials funnel is appropriate for use in research labs, testing labs, teaching and clinical labs and wherever hazardous materials and waste chemicals are processed. Its polypropylene construction permits the use of acids, bases, chloroform and other common lab solvents, and most organics. (Polypropylene does not hold up well to very strong oxidizers, such as fuming nitric acid, but then such materials are rarely filtered or generated as waste in secondary containers. Available in standard 38 and 45mm thread sizes, additional sizes are available upon request.

Phone: 800.828.6595

Fax: 585.334.0241

Email: info@dynalabcorp.com

www.dynalabcorp.com

Write In 171 Or Reply Online

B20

-0000

-0001

Neck Size

38 mm

45 mm

Shipping Weight

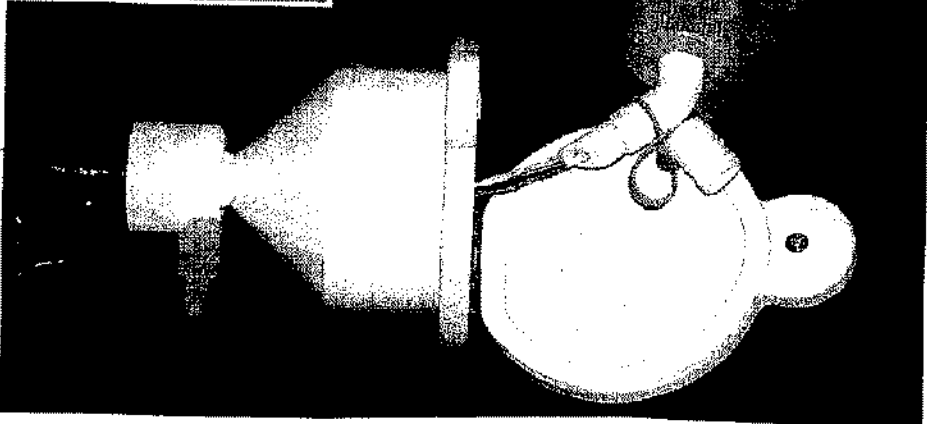
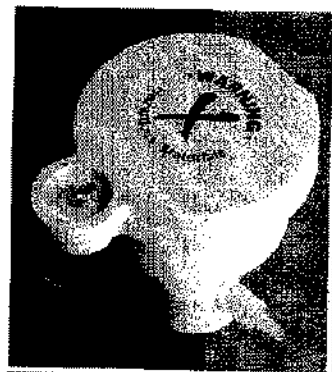
0.9 lbs

0.9 lbs

Price Each

98.75

98.75



(5)

DAIGGER®
Laboratory Equipment & Supplies
1-800-621-7193

Named Top Web Site in Industry by BtoB Magazine for 3rd Straight Year

[shopping cart](#) [log on/register](#) [continue shopping](#) [favorites](#) [catalog](#)

Search

Keyword

→ **Catalog**

[Log on to view your contract pricing](#)
[Contract Pricing Help](#)

Hazardous Materials Safety Funnel

Self closing hazardous materials funnels is designed for use in research labs, testing labs, teaching and clinical labs, and wherever hazardous material and waste chemicals are processed. Durable polypropylene construction permits use of acids, bases, chloroform and other common lab solvents, and most organics. Uses standard 10-cm filter paper making it convenient with a light vacuum. Available in standard 38 and 45mm neck sizes.



◀ More Funnels ▶

[add to shopping cart](#)

Cat No.	Description	Units	Price	Discount Price	Qty. Order	* In Stock	* Add to Favorites
EF9401A	38mm Neck	1/EACH	\$96.98	\$88.89	<input type="text" value="0"/>	N	<input checked="" type="checkbox"/>
EF9401B	45mm Neck	1/EACH	\$96.98	\$88.89	<input type="text" value="0"/>	N	<input checked="" type="checkbox"/>

[add to shopping cart](#)

See also:

- Product category(ies):
- [Funnels](#)
- Page 346 of our 2002/2003 Daigger Laboratory Equipment and Supplies catalog.

A. Daigger & Company
820 Lakeview Parkway
Vernon Hills, Illinois 60061
Phone: 1-800-621-7193
Fax: 1-800-320-7200
E-mail: daigger@daigger.com

[Find It!](#) | [Catalog](#) | [Log on/Register](#) | [New!](#) | [About Us](#) | [Tour](#) | [Contact Us](#) | [Utilities](#) | [Home](#)
All content in this site is Copyright © 1997-2002 A. Daigger & Company

Last Updated July 2002

EXHIBIT

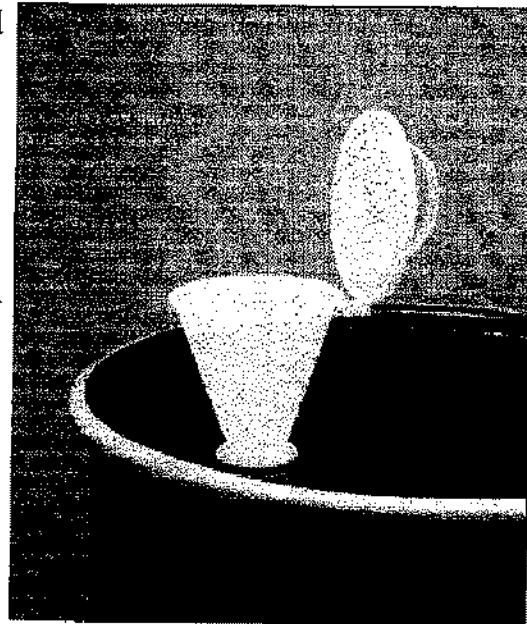
DRUM FUNNEL WITH FLIP CAP

4

SPRINT

BACK

A high-density polyethylene funnel with spring-loaded cap and 2" threaded neck fits the standard bung of steel drums. The spring holds the cap in an open or closed position. In the closed position the cap prevents leakage of low level radiation, protecting both personnel and the environment. Top diameter 124mm (4 7/8"), overall height 178mm (7"). A strap handle makes opening easy. Overall dimensions are 152mm(6") O.D. x 197mm (7 3/4 ") high.



Item
H147140000

Price
\$59.40

BACK

EXHIBIT X

NEW!

NALGENE® Safety Waste Systems

Reduce Hazardous Emissions in your Laboratory

NALGENE Safety Waste Systems are closed systems designed to make hazardous waste disposal easier, more convenient and best of all...SAFER!

Waste systems are available in three sizes: a 2-L system, a 4-L system and a 10-L system to meet your waste disposal requirements.

Each system consists of a Safety Waste Funnel equipped with a standard NALGENE closure and a waste container (bottle or carboy). Simply screw the funnel onto the waste container and use for the disposal of most chemical and biological waste.

- Red hinged cover seals the funnel, preventing volatiles from evaporating into the atmosphere.
- Built-in vent permits venting during disposal, making it faster and easier.
- Containers are made of durable, chemical- and break-resistant plastic. Safer than glass.
- Long funnel stem extends below liquid level to reduce the rate of evaporation.



NOTE: Not to be used for flammable or combustible liquids.

EXHIBIT

EXHIBIT

Y

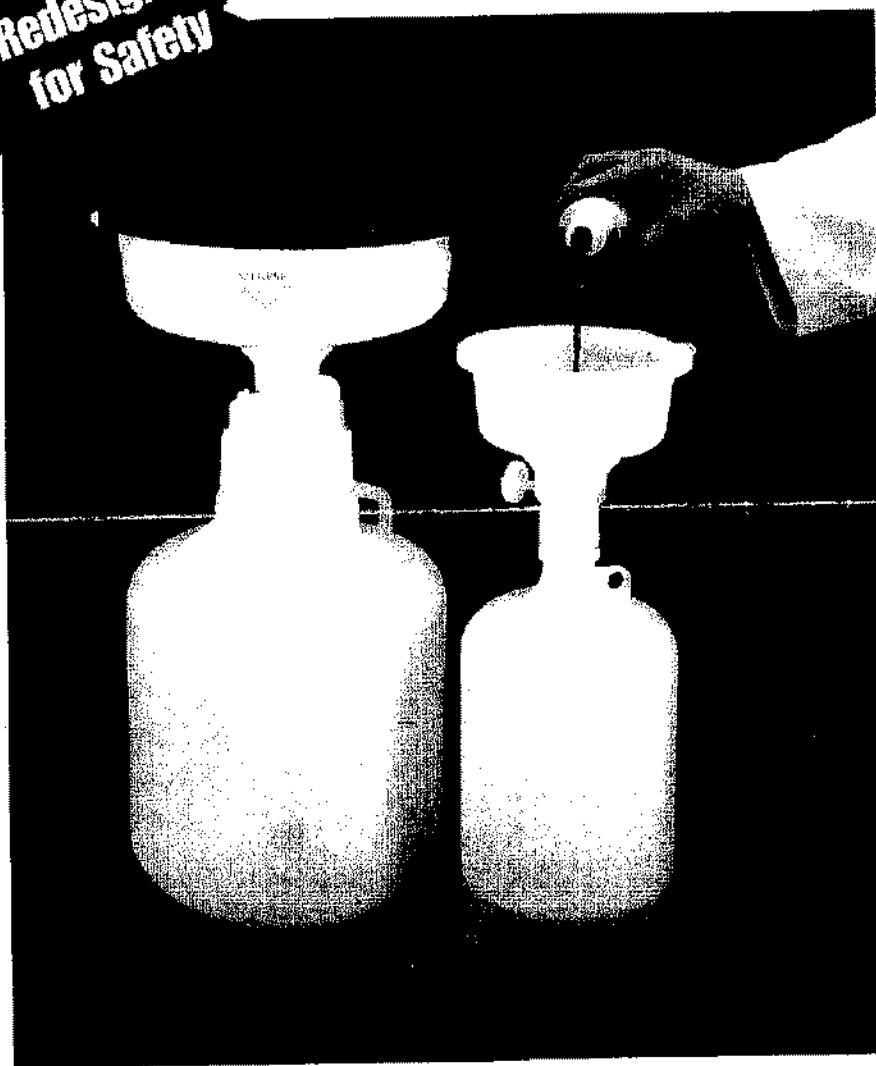
NALGENE®

SAFETY WASTE SYSTEMS

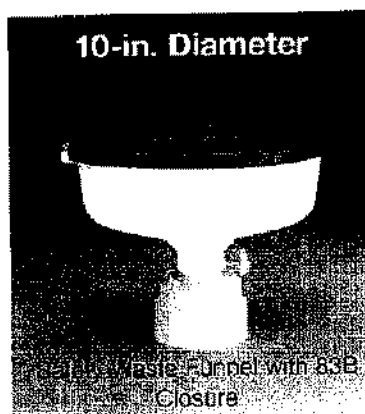
**Redesigned
for Safety**

NEW! Easy-Snap Safety Latch

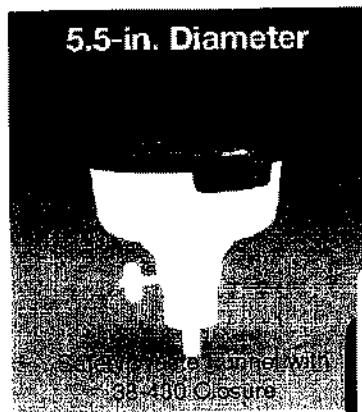
- Easy-Snap Safety Latch minimizes spillage if accidentally tipped over
- Larger-diameter funnels for easy pouring
- Easy-to-use lid reduces volatile emissions
- Redesigned vent system with filter reduces fumes and splashing
- Versatile and durable closures
- Neck screen traps large particles
- Now available in 4-L System with 5-1/2-in. funnel diameter and 10-L System with 10-in. funnel diameter; or purchase funnels separately
- Plastic containers are durable, chemical-resistant, break-resistant –SAFER than glass!



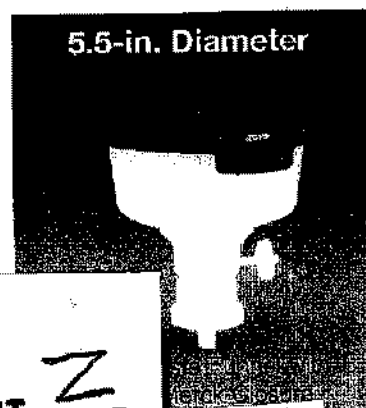
10-in. Diameter



5.5-in. Diameter

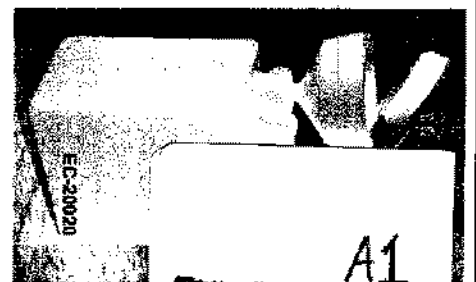
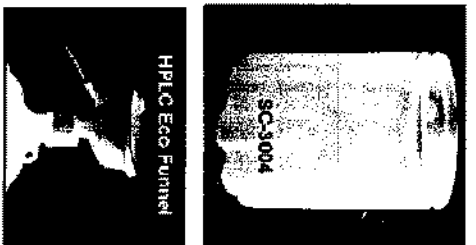
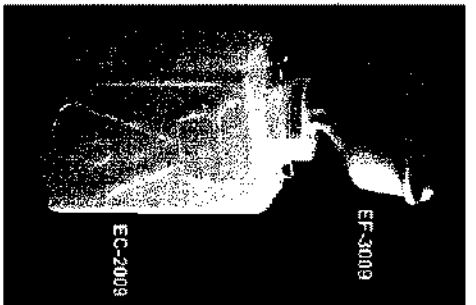
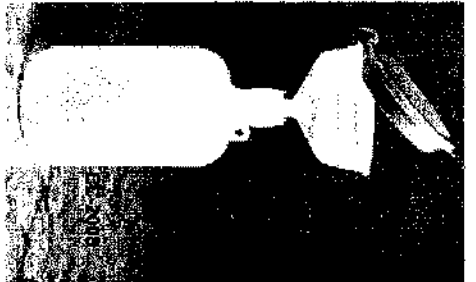


5.5-in. Diameter



EXHIBIT

Z



4 L bottle with 8" Eco Funnel in a 4 L secondary container

8 L bottle with 8" Eco Funnel

9 L carboy with 8" Eco Funnel

HPLC Eco Funnel

10 L carboy with 8" Eco Funnel

20 L carboy with 8" Eco Funnel

- Eco Funnels are made out of chemically resistant HDPE. 8 inch top diameter.
- Available with a 38-430, 53B or 100 mm screw cap.
- Eco Funnel can also be customized to your desired screw cap size and container (please call).
- Eco Funnels are also available with a HPLC hook up fitting. Can be connected to your HPLC waste line easily (see corresponding HPLC part # below).
- Eco Funnels are designed for their corresponding Nalgae containers.
- Use of Secondary Containers are mandatory by law.

EF-3004B	38-430	Eco Funnel, fits on EC-2004	
EF-3004-HPLC	38-430	Eco Funnel with HPLC fitting. Fits on EC-2004	\$ 69
EF-3008	53B	Eco Funnel, fits on EC-2008	\$ 89
EF-3008-HPLC	53B	Eco Funnel with HPLC fitting. Fits on EC-2008	\$ 69
EF-3009	100 mm	Eco Funnel, fits on EC-2009	\$ 89
EF-3009-HPLC	100 mm	Eco Funnel with HPLC fitting. Fits on EC-2009	\$ 79
			\$ 99

- EC2004 and EC-2008 Large narrow-mouth bottle. Low-density polyethylene (LDPE). Has built-in shoulder loop for attaching an identification tag. Leakproof.
- EC2009 Rectangular carboy. High Density Polyethylene. Molded-in graduations in liters and gallons. Convenient stainless steel bail handle attached. Leakproof.

EC-2004	38-430	Eco Container, 4 L bottle	\$ 19
EC-2008	53B	Eco Container, 8 L bottle	\$ 29
EC-2009	100 mm	Eco Container, 9 L rectangular carboy	\$ 38
SC-3004	n/a	Secondary container for 4 L bottle	\$ 20

- Eco Funnels are made out of chemically resistant HDPE. 8 inch top diameter.
- Available with a 83B, 70 mm, 2 inch drum bung NPT and 2 inch.
- Eco Funnel can also be customized to your desired screw cap size and container (please call).
- Eco Funnels are also available with an HPLC hook up fitting. Can be connected to your HPLC waste line easily (see corresponding HPLC part # below).
- Eco Funnels are designed for their corresponding Nalgae containers.
- Use of Secondary Containers are mandatory by law.

EF-30010	83B	Eco Funnel, fits on EC-20010	
EF-30010-HPLC	83B	Eco Funnel with HPLC fitting. Fits on EC-20010	\$ 69
EF-30020	70 mm	Eco Funnel, fits on EC-20020	\$ 89
EF-30020-HPLC	70 mm	Eco Funnel with HPLC fitting. Fits on EC-20020	\$ 69
EF-4716-1P	Drum Bung	Eco Funnel, fits on EC-20060P	\$ 89
EF-4716-HPLC	Drum Bung	Eco Funnel with HPLC fitting. Fits on EC-20060P	\$ 79
EF-4717-1C	Drum Bung	Eco Funnel, fits on EC-20060F	\$ 99
EF-4717-HPLC	Drum Bung	Eco Funnel with HPLC fitting. Fits on EC-20060F	\$ 79

- EC-20010 Carboy with handles. Low density polyethylene. Molded-in graduations in liters and gallons. Convenient stainless steel bail handle attached. Leakproof.
- EC-20020 Rectangular carboy with handles. High density polyethylene. Molded-in graduations in liters and gallons. Convenient stainless steel bail handle attached. Leakproof.
- EC-20060P 15 Gal polyethylene drum DOT approved. Suitable for 10 L bottles.
- SC-3010 HDPF secondary container suitable to fit EC-20010.

EC-20010	83B	Eco container, 10 L carboy	
EC-20020	70 mm	Eco Container, 5 Gal (20 L) carboy	\$ 38
EC-20060P	Drum Bung	Eco Container, 15 Gal (60 L) drum	\$ 89
SC-3010	n/a	Secondary container for 10 L carboy	\$ 20

Now there is a better way to collect your HPLC waste.

Are you concerned about your HPLC waste line simply sitting or dangling in a bottle?

Are you concerned about evaporation of your solvents?

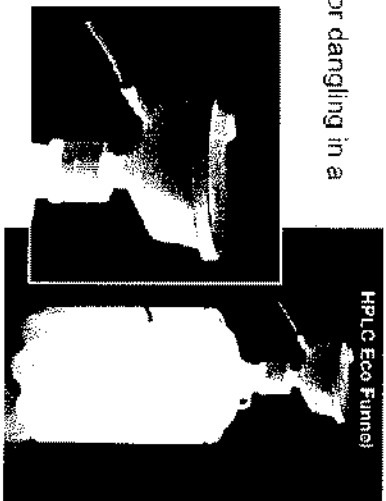
Are you under pressure from your Safety Officers to do something about it?

If the answer to any of these questions is YES, then co unnel-HPLC is your answer.

No more hanging or dangling waste line in the bottle

No more tin-foil or parafilm to stop the evaporation

No more surprise over-filling of the waste.



EF-4-38-HPLC	38-430	Eco Funnel with HPLC fitting, Fits on EC-2004	\$ 89
EF-4-53-HPLC	53B	Eco Funnel with HPLC fitting, Fits on EC-2002	\$ 89
EF-3004-HPLC	38-430	Eco Funnel with HPLC fitting, Fits on EC-2004	\$ 89
EF-3008-HPLC	53B	Eco Funnel with HPLC fitting, Fits on EC-2008	\$ 89
EF-3009-HPLC	100 mm	Eco Funnel with HPLC fitting, Fits on EC-2009	\$ 99
EF-30010-HPLC	83B	Eco Funnel with HPLC fitting, Fits on EC-20010	\$ 109
EF-30020-HPLC	70 mm	Eco Funnel with HPLC fitting, Fits on EC-20020	\$ 99
EF-4716-HPLC	Drum Bung	Eco Funnel with HPLC fitting, Fits on EC-20060P	\$ 109
EF-4717-HPLC	Drum Bung	Eco Funnel with HPLC fitting, Fits on EC-20060P	\$ 109

We listen to our customers! We custom built this funnel for chemists at EPA Laboratories. Because of CUBITAINERS' ease of use and popularity among chemists, we decided to make this Eco Funnel and its corresponding container a stock item. Cubitainers have a reputation for strength, storage, leakproofness, yet they are lightweight. They are used by the worldwide chemicals industry, especially where environmental responsibility is an issue. We now have this Eco Funnel and its corresponding CUBITAINER in stock. Collapsed CUBITAINERS take very little room. Eco Funnel is re-usable and CUBITAINER IS "ONE USE ONLY".

EF-4-CUBI	Eco Funnel suitable for a Cubitainer	\$ 69	n/a
EC-G-CUBI	1 Gallon capacity CUBITAINER	\$ 2.95	\$ 1.95 ea.
EC-G-CTN	Carton for 1 Gal CUBITAINER	\$ 1.45	\$ 1.20 ea.
EC-G-CUCT	Assembled Cubitainer in Box	\$ 4.20	\$ 3.15 ea.



Disposable cubitainer

Collapsed carton and Cubitainer

Assembled 1-Gal Cubitainer

INTRODUCING OUR LATEST PRODUCT

CO-FUNNEL HPLC

NOW THERE IS A BETTER WAY
TO COLLECT YOUR HPLC WASTE.

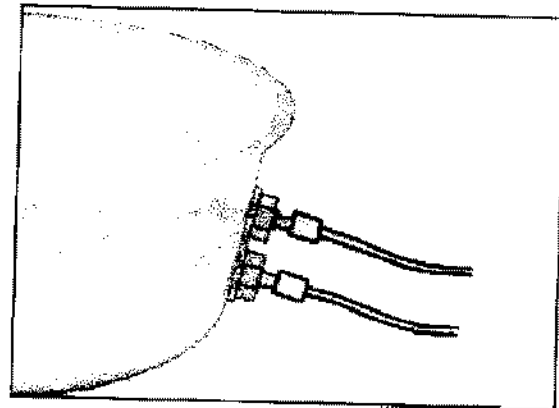
Dear Scientists:

- Are you concerned about your HPLC waste line simply sitting in a bottle?
- Are you concerned about evaporation of your solvents?
- Are you under pressure from your safety officers to do something about it?

*If the answer to any of these questions is YES, then
ECO-FUNNEL HPLC is your answer.*

- No more hanging waste line in the bottle.
- No more tin-foil or parafilm to stop the evaporation.
- No more surprise over-filling of the waste.

**TEP IN THE RIGHT DIRECTION
WITH ECO-FUNNEL HPLC**



There are models to choose from:		Closure	Price	Catalog #
4" ECO-FUNNEL HPLC	Suitable for common 4 L bottle	38-430	\$85	EF-4-38-HPLC
4" ECO-FUNNEL HPLC	Suitable for 2 & 8 L bottle	53 B	\$85	EF-4-53-HPLC
8" ECO-FUNNEL HPLC	Suitable for a common 4 L bottle	38-430	\$89	EF-3004-HPLC

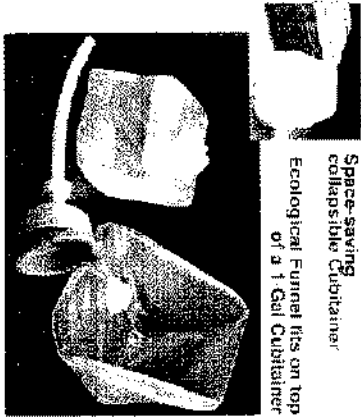
For more information on the product line, please visit our web site:
or contact us at:

EXHIBIT **A3**

ARE YOUR OPEN WASTE CONTAINERS MAKING YOU FUME?

USE CAL PAC SAFETY WASTE SYSTEM AND THE IMMEDIATE REWARD WILL BE:

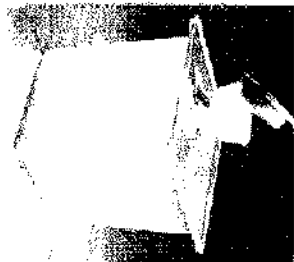
- * Complying with all of the laboratory safety regulations.
- * Preventing the evaporation of solvent from your open waste containers.
- * Efficiently managing your volatile toxic liquid waste with a Cubitainer™, which is a collapsible, one-time use container. Cubitainer reduces handling of potential hazard in the Lab environment and also saves space in your warehouse.
- * Keeping the air in your work environment clean.
- * Cal Pac secondary container holds the entire system in a snug position.



Space-saving
collapsible Cubitainer
Ecological Funnel fits on top
of a 1 Gal Cubitainer



Ecological Funnel™ screws on top of a Cubitainer. Secondary
container offers additional safety and support for the Cubitainer.
Specially designed red lid keeps Eco Funnel in a straight position.



Visit us on the web at: www.calpaclab.com

Or call toll free: 1-888-322-5722

EXHIBIT A4

ECO FUNNEL™?

ECO-FUNNEL™ is more than a funnel with a cover. It is specially designed to prevent emission of solvent fumes from open top and uncapped bottles.

This patented HDPE design will perform as a sealed cap and funnel put together, providing for ease of use for the scientist to dump any generated waste or chemical into waste bottles, while preventing any emissions easily and conveniently. The ECO-FUNNEL™ is a simple yet highly effective solution to pollution in the laboratory environment.

ECO FUNNEL WAS BORN OUT OF A NEED

For many years we as chemists have been allowing our waste bottles to sit around in the laboratories either in the fume hood or on the bench. This practice is typically conducted when a small amount of waste is generated and then a funnel is placed on top of a typical 4 Liter waste bottle (usually an old solvent bottle) and then allowed the funnel to rest on the bottle for many hours. In some cases the funnel is left for many days.

In the fume hood a typical waste could be evaporating at the rate of 30-60 mL per day. This same solvent bottle sitting on the bench has a far lower rate of evaporation, however the level of exposure of laboratory workers are much higher.

We sought a solution to this problem, partly out of concern for the health and safety of the laboratory workers and partly because of the regulatory pressures and the fines imposed. This fine could be as high as \$5000 per open bottle.

4 liter bottle containing 3000 ml of Acetone in fume hood with:	Emission Per 24 hrs
ECO-FUNNEL™	0.0 mL
Regular Funnel	127 mL



EXHIBIT

WHO CAN USE ECO FUNNEL?

Pharmaceutical / Biotech Companies (Med. Chem. / Process Dept., etc.)
University Research Laboratories (Graduate Students)
ECO Funnel is currently being used by scientists from all different backgrounds. Essentially anyone who routinely handles volatile liquids (Organic, Halogenated, Aqueous solutions) could be adding ECO Funnel to their laboratory. University Teaching Laboratories (undergraduate level)
ECO Funnel has found a prominent place in number of teaching laboratories, in order to manage the organic waste generated during a laboratory class.
Volatile Radioactive Waste (National Labs, University Research Labs, etc.)
ECO Funnel is also being used by a number of research centers handling beta emitting radio nuclei, since the funnel cap is thick enough to prevent the beta emission.

ECO Funnel is available in 4" and 8" top diameter for variety of bottles & carboys.
ECO Funnel can also be customized to your desired screw cap size and container.

More detailed pictures and price

WE'RE ON THE WEB!
www.calpaclab.com

Location: <http://www.calpaclab.com>

Back	Forward	Home	Reload	Image
------	---------	------	--------	-------

PREVENTING AIR POLLUTION USING ECO FUNNEL

New local, state, and federal regulations make the reduction of laboratory fume hood exhaust emission a major priority for everyone connected to laboratory science. Major sources of these emissions originate from the volatile organic compounds which are temporarily stored in satellite waste containers in the fume hood or on the bench. Unfortunately while current regulations require that these containers be capped and closed when not in use, they are usually fitted with the standard (regular) funnel during working hours.

Although regular funnels prevent waste material from spilling during the transfer into the container, they sit at the top of the open bottle and allow free and un hindered emission of pollutants into the air.

This practice which may have been acceptable in the past, allows waste solvents to evaporate from the uncapped container.

ECO FUNNEL'S PRIMARY BENEFITS

- 1- It prevents evaporation of solvents from containers.
- 2- The funnel remains on the container until the container is full.
- 3- The materials of ECO-FUNNEL™ (HDPE) resist laboratory solvents, acids, and bases.
- 4- The implementation of ECO-FUNNEL™ throughout the laboratory system provides a cost effective source control rather than an expensive end of pipe control of emissions.
- 5- There is no need to constantly remove a funnel and replace it with a cap to end container emissions and comply with current new regulations.



EXHIBIT

A6

PREVENTING WASTE WATER POLLUTION USING ECO FUNNEL

New regulations also prohibit dumping of waste solvent down the sink. This includes even Acetone the most commonly used solvent of choice for washing glassware. It is common practice to rinse glassware with acetone and water in the laboratory sink, however, this practice must stop because:

- 1- Mixture of Acetone and hot water steam exposes the operator to excessive amounts of acetone vapors.
- 2- The acetone waste will show up at the water treatment facility, which is unacceptable and against all regulations.
- 3- To prevent Acetone from going down the drain by collecting it in a Beaker or Erlenmeyer are also not acceptable because of excessive operator exposure.

HEALTH AND SAFETY BENEFITS OF ECO FUNNEL
ECO-FUNNEL™ is a patented new product designed to dramatically reduce exposure of the laboratory personnel to the toxic solvents, while providing ease-of-use.

Chemists are chronically exposed to solvent fumes. They wear Lab coats to protect their clothing, gloves to protect their hands, goggles to protect their eyes. Yet we rarely see a chemist working near the fume hood or at the bench wearing a respirator while performing a routine synthesis or analytical test. In fact one of the largest sources of Laboratory air contamination is the waste solvent that chemists routinely handle. Despite the common belief that a fume hood takes care of air pollutants, most laboratory buildings still smell the stench of chemicals. This is largely due to the fact that the fume hood stacks leading to the roof are usually in close proximity to the air intakes. This is most noticeable to people who enter the building from the outside.

These silent killers are all around us in a laboratory building, sometimes we can smell them (Disulfides, volatile Mercaptans, Butanethiol etc.). But most of the times they are around us, we can not (Dichloromethane, Hexane, Heptane, Low concentrations of: Acetone, Methanol, DMSO, THF, Acetonitrile, DMF).

LONG TERM HEALTH EFFECTS OF COMMON LABORATORY SOLVENTS
Consulting with Material Safety Data Sheet each of these solvents, will indicate that sure could result in damage to the liver, ductive and nervous systems. In the absence of systematic scientific studies, the long term chronic exposure to these chemicals are However ample warnings have been issued regarding the hazards associated with the Laboratory work environment. Liability under study and despite establishment exposure limits, sensitized individuals automatic at extremely low levels.

To prevent liability and health issues, continuing to implement programs such as FUNNEL™ throughout their laboratory operations.

The prime beneficiaries of implementation programs include Lab professionals (Chemists, Technicians), and Industrial Hygienists.

ECO FUNNEL SPECIFICATIONS

ECO Funnel is made of chemically resistant Density Polyethylene. ECO Funnel comes in a variety of closures.

COST - BENEFIT ANALYSIS OF ECO FUNNEL
It is well understood that source reduction methodologies such as ECO Funnel will cost effective than any expensive "end of pipe" solution. At a cost of less than \$ 79 per Funnel, they are far more cost effective than "filtration / condensation" equipment of your laboratory building (Cost several hundred thousand dollars). Other are servicing, maintenance and disposal with these expensive systems. There benefits associated with ECO Funnel has achieved with "end of the pipe methodology".

- * Reducing the chance of fire in Research Teaching laboratory.
- * Keeping the air you breathe in the lab



8" TOP

EF-30020

8" TOP

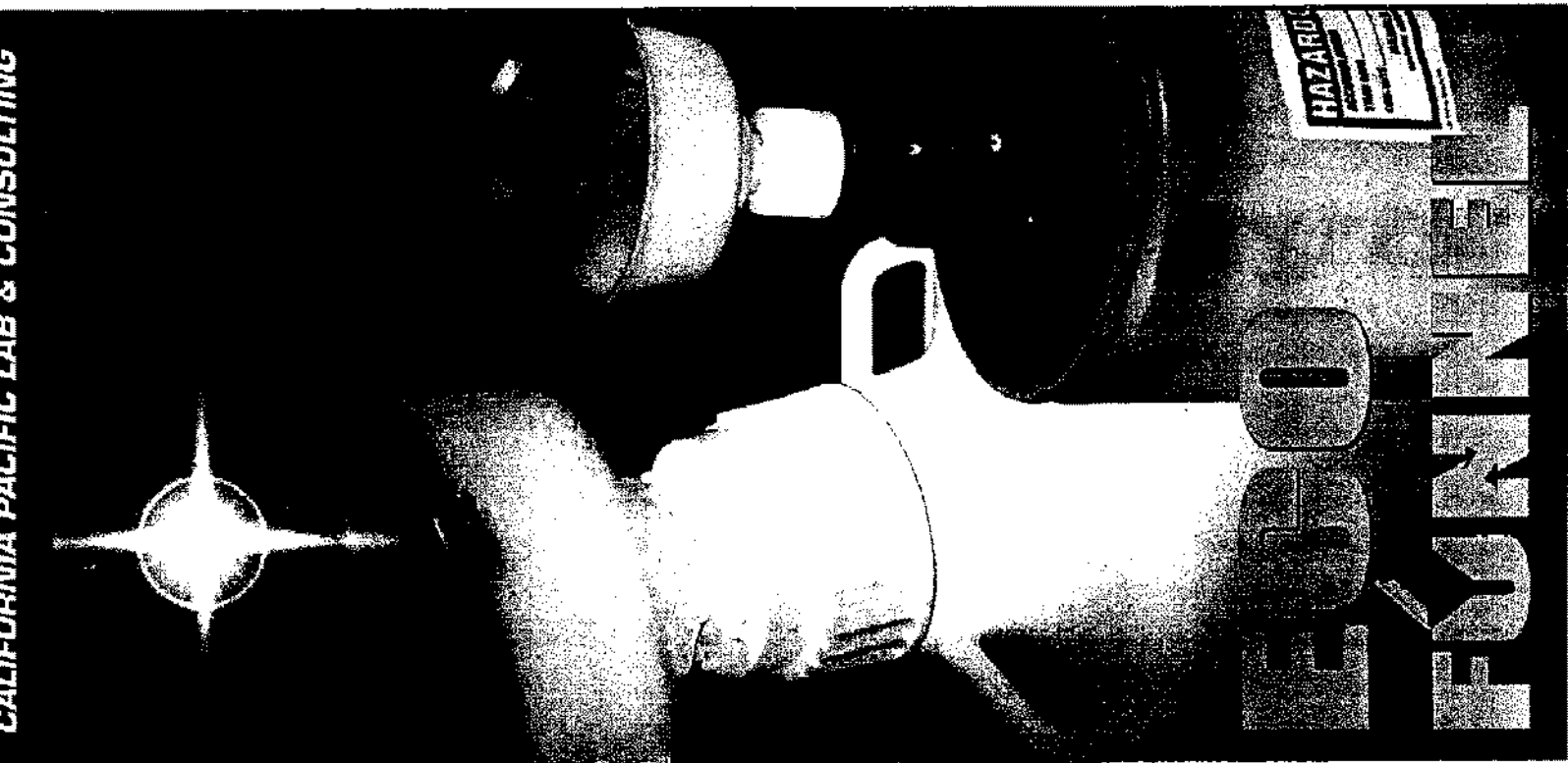
EF-3006

8" TOP

EF-3004B

4" TOP

EF-4-53B



CALIFORNIA PACIFIC LAB
37 COMMERCIAL BLVD.
NOVATO CA, 94945

EXHIBIT A7

A Step in the Right Direction



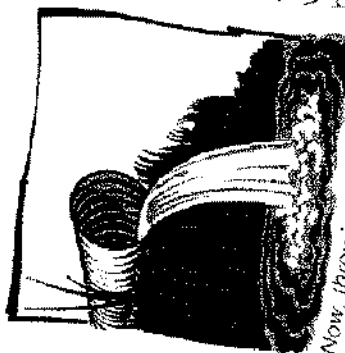
ECO FUNNEL.
It's time to change.

ENVIRONMENTAL POLLUTION (Waste Water)

FUNNEL™

ration of solvents from containers on the container until the of ECO-FUNNEL™ (HDPE) st laboratory solvents, acids, atation of ECO-FUNNEL™ laboratory system provides a source control rather than an d of pipe" control of emis-

o need to constantly remove a splace it with a cap to end missions and comply with cur- gulations



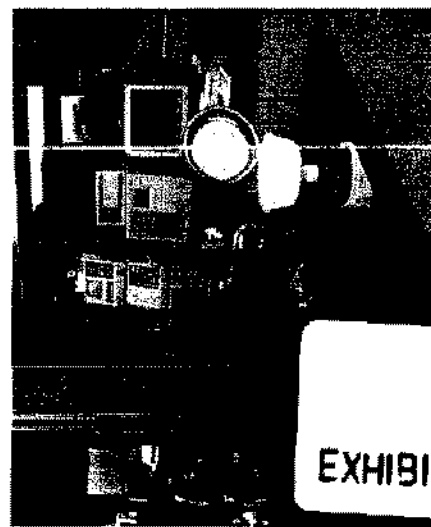
Now, throwing solvents down the drain... is **ILLEGAL!!**
Severe penalties will apply.

New regulations prohibit dumping of waste solvent down the sink. This includes even Acetone the most commonly used solvent of choice for washing glassware.

It is common practice to rinse glassware with acetone and water in the laboratory sink, however, this practice must stop because:

- 1- Mixture of Acetone and hot water steam exposes the operator to excessive amounts of acetone vapors.
- 2- The acetone waste will show up at the water treatment facility, which is unacceptable and against all regulations.
- 3- To prevent Acetone from going down the drain by collecting it in a Beaker or Erlenmeyer are also not acceptable because of excessive evaporation and operator exposure.

The ECO-FUNNEL™ benefit is that it will help the operator during glassware washing. Simply place the ECO-FUNNEL™ waste system inside the sink, open the lid, wash the glassware inside the funnel, close the lid and you are done. This will accomplish much lower solvent exposure to the individual doing the glassware washing while preventing acetone from going down the sink drain.



acetone wash solvents down the drain.

EXHIBIT

11 A8

A few users of ECO-FUNNEL™

Parke-Davis Pharmaceutical
Merck Sharpe & Dohme Pharmaceutical
Pharmacia-Upjohn Pharmaceutical
Pfizer Pharmaceutical
Scripps Research Institute
Lederle Labs Div. of Am. Cyanamid
Chiron Corp.
Eastman Chemicals
American Cyanamid
Aldrich Chemical Co.
Rhône-Poulenc Rorer Pharm.
Maganin Pharmaceutical
Chevron Research
UC Berkeley
Phenomenex Co.
Univ. Of Missouri
Interlake Foods
Hunt Wesson Foods
Purdue University
BASF Corporation
Pharmos Corporation



HOW TO ORDER

Available for variety of bottles and cap sizes
Ask about our CUSTOM fittings
for unusual bottles, and containers

For product information and pricing call:

1-888-3-CAL-PAC

<http://www.calpaclab.com/ecofunnel> 1-888-322-5722
email: info@calpaclab.com

ECO FUNNEL™ is Manufactured & Distributed By:
CALIFORNIA PACIFIC LAB & CONSULTING
2206 CECILIA AVE.
SAN FRANCISCO, CALIF 94116 / USA

ECO funnel is also available directly through these major distributors:

Aldrich Chemical Co 1-800-558-9160
(1996-1997 Aldrich Catalog, Page 313)

Lab Safety Supply 1-800-358-0783
(1997 Catalog, Page 646)

ChemGlass Inc. 1-800-843-1794
(1996 Catalog pp 185)
Orders for ChemGlass may also be placed through VWR, Baxter or Fisher Scientific.



ECO FUNNEL

ECO FUNNEL

Best Solutions are the Simple Ones

Be friendly to Yourself

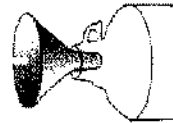
ENVIRONMENTAL POLLUTION (AIR)

ECO-FUNNEL™ is a patented new product designed to prevent volatile solvents from evaporating into the air.

New local, state, and federal regulations make the reduction of laboratory fume hood exhaust emission a major priority for everyone connected to laboratory science. Major sources of these emissions originate from the volatile organic compounds which are temporarily stored in satellite waste containers in the fume hood or on the bench. Unfortunately while current regulations require that these containers be capped and closed when not in use, they are usually fitted with the standard (regular) funnel during working hours.

Although regular funnels prevent waste material from spilling during the transfer to the container, they sit at the top of the open bottle and allow free and un hindered emission of pollutants into the air.

NEVER use a regular funnel on top of a waste bottle!



This

practice which may have been acceptable in the past, allows waste solvents to evaporate from the uncapped container. Citations issued

various regulatory

spectors can now result in fines of up to \$100 per day for each open container.

Emission Per 24 hrs	
Acetone	0.0 mL

ECO-FUNNEL was invented by a synthetic organic chemist who had developed hypersensitivities to common lab solvents

...and your Environment

THE BENEFIT OF ECO-FUNNEL™

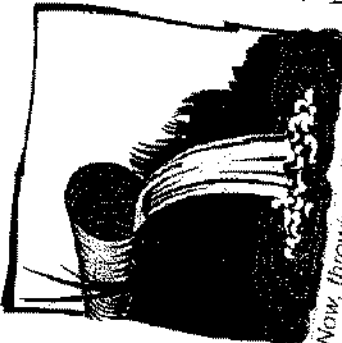
- 1- It prevents evaporation of solvents from containers.
- 2- The funnel remains on the container until the container is full.
- 3- The materials of ECO-FUNNEL™ (HDPE) and (HDPP) resist laboratory solvents, acids, and bases.
- 4- The implementation of ECO-FUNNEL™ throughout the laboratory system provides a cost effective source control rather than an expensive "end of pipe" control of emissions.
- 5- There is no need to constantly remove a funnel and replace it with a cap to end container emissions and comply with current new regulations.



ECO-FUNNEL IS BEING USED BY:
Organic Chemists
Medicinal Chemists
Process Chemists
Polymer Chemists
Nuclear Chemists
Biologists
Analytical Chemists
Surface Chemists
Physical Chemists
Chemical Professionals



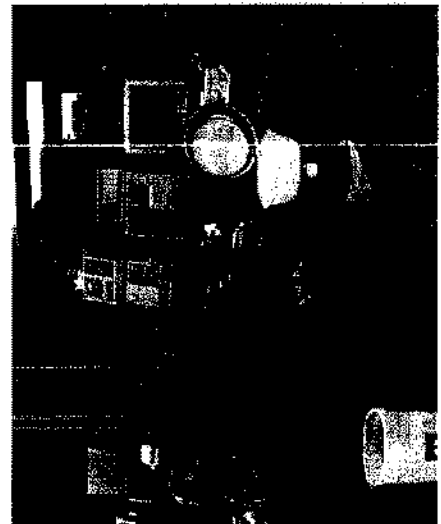
ENVIRONMENTAL POLLUTION (WATER)



New regulations regarding dumping of waste down the sink, even Acetone, are primarily used for washing glassware. It is common practice to wash glassware with water in the lab; however, this practice is illegal to stop because.

- 1- Mixture of Acetone and hot water exposes the operator to excessive acetone vapors
- 2- The acetone waste will show treatment facility, which is unacceptable against all regulations.
- 3- To prevent Acetone from going down the drain by collecting it in a Beaker.

The ECO-FUNNEL™ benefit is that the operator during glassware washes the ECO-FUNNEL™ waste into the sink, open the lid, wash the funnel, close the lid and you are done. This will accomplish much lower exposure to the individual doing the washing while preventing acetone from the sink drain.



ECO FUNNEL

EXHIBIT

A9

WHAT IS ECOLOGICAL FUNNEL™?

Concerned about open waste containers under pressure from your safety officer or regulatory agencies to prevent emission of waste solvent fumes from the lab bench or fume hood?

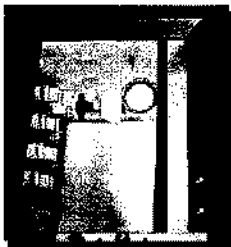


Use Eco Funnel in the sink to catch acetone waste.

Clean water



Use Eco Funnel in the fume hood to trap volatile fumes



Clean air

- Eco Funnel prevents waste solvent evaporation and are designed to remain on the collection vessel until it is full.
- Chemically resistant HDPE and PP construction
- Lip-seal on lid seals the waste system when closed
- Funnel stem sealed to waste container cap prevents emission from sides of stem
- Pressure equalizing tube prevents solvent trapping

Nalgene Safety Waste Systems



2 Liter - 4 inch top



4 Liter - 4 inch top



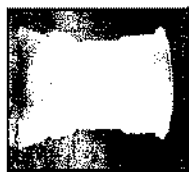
10 Liter - 8 inch top

- Safely dispose of chemical and biological waste and reduce hazardous emissions in the laboratory. Systems include a safety waste funnel with a HDPE bottle. Funnels and bottles are also available separately.
- Safety waste funnel has a hinged cover to keep emissions contained.
- Funnel attaches to the bottle and remains in place until the bottle is full.
- Built-in vent minimizes overflow

System		Funnel only		Bottle only	
Syst. Cap. (L)	Cat. No.	Each	Cat. No.	Each	Each
2	Z40,937-5	\$94.10	Z40,934-0	\$89.00	B7035 \$23.90/2
4	Z40,938-3	\$101.50	Z40,935-9	\$89.00	Z27,885-8 \$16.50
10	Z10,939-1	\$130.80	Z40,936-7	\$104.60	Z40,940-5 \$51.50

Secondary Containers and Base

Prevent accidental lip-over of your waste containers with a secondary container and its base. The base is designed to hold the secondary container in a snug position. The base can also be used with the 4 L Nalgene secondary container/bottle carrier.



Cat. No.	Description	Each
Z42,452-5	Secondary container and base	\$24.50
Z42,471-4	Base	\$8.50

4-Inch and

Are you concerned about your HPLC waste line simply sitting or dangling in a bottle? Are you concerned about evaporation of your solvents? Are you under pressure from your Safety Officers to do something about it?

No more hanging or dangling waste line in the bottle No more tin-foil or parafilm to stop the evaporation No more surprise over-filling of the waste.



HPLC Eco Funnel
HPLC Eco Funnels come with 4-inch or 8-inch tops.

Connect your HPLC waste line to the fitting on the side of the Eco Funnel. The fumes stay in the bottle while the waste liquid pours directly into the funnel.

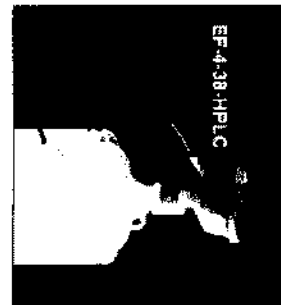
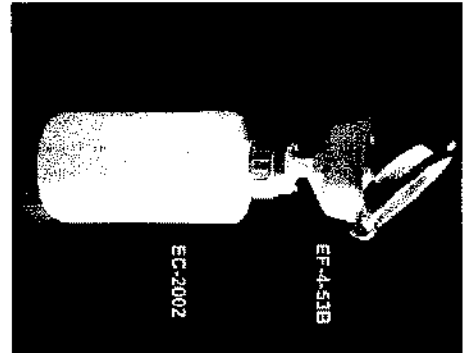
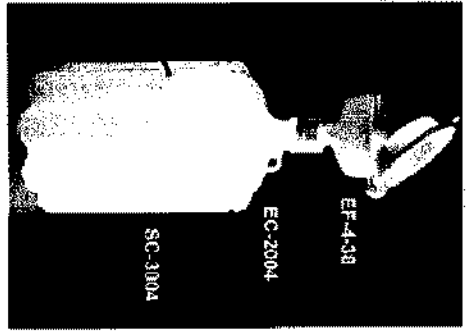
Top Diam.	Cat. No.	Closure size	Each
4 inch	Z42,469-2	38-430	\$95.00
4 inch	Z42,470-6	638	\$95.00
8 inch	Z42,463-3	38-450	\$99.00
8 inch	Z42,464-1	538	\$105.00
8 inch	Z42,467-6	70 mm	\$106.00
8 inch	Z42,466-8	838	\$110.00
8 inch	Z42,468-4	109 mm	\$105.00

EXHIBIT

Eco Funnels

A10

Order online at www.calpacilab.com or Call 1-888-322-5722 **Eco Funnels**



- Eco Funnels are made out of chemically resistant HDPE. 4 inch top diameter.
- Available with a 38-430 or 53B screw cap.
- Eco Funnel can also be customized to your desired screw cap size and container (please call).
- Eco Funnels are also available with an HPLC hook up fitting. Can be connected to your HPLC waste line easily (see corresponding HPLC part # below)
- Eco Funnels are designed for their corresponding Nalgene containers.
- Use of Secondary Containers are mandatory by law.

EF-4-38	38-430	EcoFunnel, fits on EC-2004	\$ 69
EF-4-38-HPLC	38-430	Eco Funnel, with HPLC fitting, fits on EC-2004	\$ 89
EF-4-53B	53B	Eco Funnel, fits on EC-2002	\$ 69
EF-4-53-HPLC	53B	Eco Funnel, with HPLC fitting, fits on EC-2002	\$ 89

- EC2004 and EC-2008 Large narrow-mouth bottle. Low-density polyethylene (LDPE). Has built-in shoulder loop for attaching an identification tag. Leakproof.
- SC-3002 and SC-3004 Secondary Containers, LDPE. Designed to contain the entire content of the waste container in case of a spill.

EC-2004	38-430	Eco Container, 4 L bottle	\$ 19
EC-2002	53B	Eco Container, 2 L bottle	\$ 29
SC-3002	n/a	Secondary container for 2 L bottle	\$ 18
SC-3004	n/a	Secondary container for 4 L bottle	\$ 25

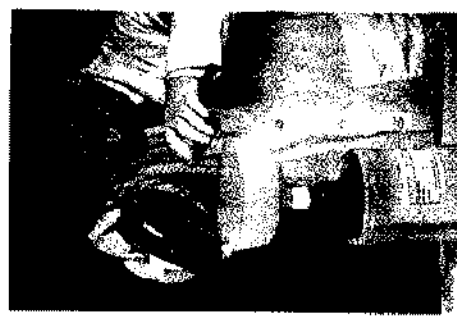
EXHIBIT All

Name/Title Winfred Sell
Company Mohrberg College
Address 2400 Chevrolet
City/State/Zip Allentown PA 18104
Phone ()
E-mail

SID
NOV '99

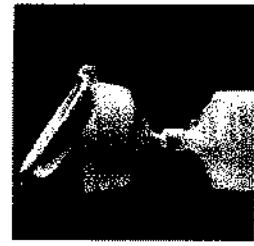
CP CALIFORNIA-PACIFIC LAB INC.
37 Commercial Blvd. Suite 100
Novato, CA 94949

Postage
Required



For More Information, Fill Out
Reverse Side of This Card.

Prevent the emission of solvents
Keep the air in your work
environment clean
Comply with all the regulations
Connect to your HPLC waste line



CALIFORNIA-PACIFIC LAB INC.
www.calpaclab.com • Email: info@calpaclab.com
Tel: (800)322-5722 • (415)883-2800

EXHIBIT A12

Table of Contents



Technical Information

Customer Service and Technical Support.....3	Trademarks.....2	Catalog Guide.....3	Material Codes.....2
--	------------------	---------------------	----------------------

Indexes

Product Index.....4-5	Catalog Number Index.....6-7
-----------------------	------------------------------

Beakers.....8-10	Dropper Bottles.....19-21	Labels.....59	Stir Bars/Rods.....43-44
Buckets.....10-11	Environmental.....21-22	Notebooks & Paper.....32-34	Storage/Sampling.....45-46
Burets.....11-12	Flasks.....23-25	Organizers.....35-37	Test Tube Racks.....47-50
Carriers.....12-14	Funnels.....25-27	Pans.....38	Vacuum Chambers.....50-51
Cultureware.....14-16	Graduated Cylinders.....28-29	Petri Dishes/Racks.....39-40	Vacuum Hand Pumps.....51-53
Desiccators.....17-18	Hydrometers.....29-30	Pipets.....40-41	Wash Bottles.....53-58
Dispensers.....18-19	Labware.....30-31	Pipet Washing.....41-42	VERSI-DRY Lab Soakers.....59

Centrifuge Ware

Conical Tubes.....60-61	UltraTubes.....62-63	Bottles.....67-69	Rotor Matching Guide.....72-78
Round Bottom Tubes.....61-62	Oak Ridge Tubes.....64-66	Closures & Adapters.....70-71	Chemical Resistance.....79-81

Containers

Wide Mouth Bottles.....84-85	Fluoropolymer Bottles.....93-94	Large Heavy Duty Bottles.....105	Carboys with Tubulation.....114-115
Narrow Mouth Bottles.....85-86	Fluorinated Products.....95-96	Carboys.....106-109	Spigots and Fittings.....115-117
Rectangular Bottles.....87	Shipping Systems.....97-100	Rectangular Carboys.....109-110	Top Works.....118
Square Bottles.....88-89	Jars.....101-102	Jugs & Jerrycans.....111	Bottle and Carboy Specifications.....119-123
Dilution Bottles.....90	Large Bottles.....103-105	Carboys with Spigots.....112-113	
Environmental Sample Bottles.....91-92	Large Narrow Mouth Bottles.....104-105		

Cryoware

Vials.....124-126	Boxes, Holders & Racks.....126-129	Coolers & Dewars.....129-131	Accessories.....131-133
-------------------	------------------------------------	------------------------------	-------------------------

Filterware

Sterilization/Tissue Culture	• Nylon membranes.....141-145	Reusable.....151-153	Centrifuge Filters.....160-161
• PES membranes.....136-138	• Receivers.....145	Membranes.....153-155	Accessories.....161-162
• SFCA membranes.....138-141	Analytical/Microbiological.....146-151	Syringe/In-Line/Capsule.....156-160	
• CN membranes.....141-143			

Safety

Lab Safety.....164-165	Biohazard Safety.....165-167	Radiation Safety.....167-175	
Tanks	• Tank Fittings & Accessories.....183-183	• Bioprocess Vessels.....186-189	• Biotech Mixing Systems.....191-192
• Cylindrical & Rectangular Tanks.....176-181	Bioprocessing	• Sanitary Conical-Bottom Tanks.....189-190	• Biotech Fittings & Accessories.....193-197
• Mixers.....181	• Closed-Dome Bio Tanks.....185-186		

Tubing

Clear Plastic Tubing.....198-202	Connectors & Accessories.....210-216	Specifications and Application Guide.....217
Specialty Tubing.....202-209		

Reference

Replacement Parts.....218-220	Use and Care of Plastic Labware.....223-224	Sterilizing-Other Methods.....225-226	Chemical Resist Charts.....221-221
Chemical Structure of Resins.....220-222	Autoclaving Plastic Labware.....225	Recycling of Plastic Labware.....226	Physical Properties of NALGENE Labware.....232

EXHIBIT

A13

Product Index

Vacuum Manifold	162
Flasks	14, 23-25
Baffled	14
Dewar	131
Erlenmeyer	23-24
Farnbach	14
Filtering	23
Volumetric	25
Fluid Transfer	116-117
Barbed Bulkhead Fittings	116
Filling/Venting Closures	116-117
Fluorinated Products	58, 95-97
Bottles	95
Carboys	95
Jerricans	96
Large Wide-Mouth Bottles	96
Rectangular Carboys With Spigot	97
Solvent Wash Bottles	58
Fluoropolymer Products	9, 10, 24, 26, 28, 31, 43-44, 54, 62, 64, 68, 115, 206-208
Beaker & Covers	9-10
Bottles	93-94
Centrifuge Ware	62, 64, 68
Closures	220
Erlenmeyer Flask	24
Evaporating Dish	10
Funnel	26
Graduated Cylinder	28
Jar	94
Joint Sleeves	31
Separatory Funnels	25
Stirring Equipment	43-44
Spigots	115
Tubing	206-208
Tweezers	31
Wash Bottles	54
Forceps	30, 161
Filter	161
Plastic	30
Stainless Steel, filter	161
Funnels	18, 26, 146-147
Analytical	26
Buchner	27
Filter	146-147
Powder	26
Safety Thistle Tube	18
Separatory	25
G	
Gamma Radiation Shield	175
Graduated Labware	28-29
Burets	11-12
Cylinders	28-29
Hydrometers & Jar	29-30
Pipet Accessories	41-42
Pipets & Pipet Holder	40-41
Pharmaceutical Graduates	29
Volumetric Flasks	24
H	
Hydrometers, Plain-Form	29
I	
Imhoff Cone Rack	22
Imhoff Settling Cone	21
J	
Jars	51, 101, 102
Hydrometer	30
Mason	101
Multipurpose	102
Straight-Side Wide-Mouth	101-102
Vacuum	51
Wide-Mouth	101-102
With Covers	102
Joint Sleeves	31
Jugs/Jerricans	110-111

L	
Labels	34, 59, 132
Cryoware	132
PolyPaper	34
Right-To-Know	59
Target Organ Label	59
Lab Organizers	35-37
Lab Soakers	59
Labtop Coolers	130
M	
Maiers	92
Magnetic Stir Bars	43-44
Media Bottles, Square	88
Media-Plus Filter Units	140, 145
Membrane Filters and Prefilters	153-156
Mixers	16, 181, 188, 191, 192
Biotech Mixers	16, 188, 191, 192
Tank Mixers	181
N	
Notebooks	32-33
Laboratory	32
PolyPaper	32-33
Nutrient Pad Kits	150
P	
Pails & Buckets	11
Pans	38-39
Paper, PolyPaper	33
PassPort UN Shipping Systems	98-100
Pens & Markers	34
Petri Dishes	39
Pipets	40-41
Dropping	41
Jars	42
Safety Filler	41
Washing Equipment	41-43
Pneumatic Trough	31
Pour Spout	116
Prefilters, Membrane	153-156
Pumps, Vacuum	51-52, 117
Accessories	52
Aspirator	52
Fluid Transfer Closure	117
Hand Operated	51-52
Repair Kits	52

R	
Racks	12, 13, 22, 35, 39, 47-49, 50, 147
Dilution Bottle	13
Filter Unit	147
Imhoff Cone	22
Microcentrifuge Tube	35, 50
Microtube Beta Racks	170
Multi-Bottle	12
Petri Dish	39
Test Tube	48-49
Unwire Test Tube	47-48
Radiation Shields	167-169, 171, 175
Recycling Plastics	226
Reference Section	218-232
Replacement Parts List	218-220
S	
Safety Products	12, 57-59, 164-175
Beta Apron	171
Beta Radiation Shields	167-169, 171
Biohazard Waste Containers	166
Bio Transport Carrier	165
Clean Sheets	167
Face Shield	167
Gamma Radiation Shield	175
PolyPaper Labels	58-59
Right-To-Know Safety Wash Bottles	57-58
Safety Bottle Carriers	12
Safety Shield	166
Safety Splash Shield	166
Safety Waste Funnels	165
Safety Waste Systems	164

Sample Bags	46
Sample Bottles	91-92
Sample Vials	46
Sealing Caps	70
Secondary Containers	165
Separatory Funnels	25
Settlemeter Kit	22
Shipping Systems	98-100
Sieves & Receiver Pans	22
Spigots	115-117
Spigot Closure	116
Splash Shield	166
Square Bottles	87-89
Staining Boxes	46
Sterilization Filter Units	142-145
Sterilizing Plastics	226
Stirring Equipment	43-44
Stir Bars	43-44
Stirrers	44
Student Labware Kit	30
Syringe Filters/Prefilters	157-160
T	
Tanks	176-190
Closed-Dome	185
Closed-Dome Bio Tank	184
Conical-Bottom Cylindrical	189-190
Cylindrical	177-179
Dolly, Autoclavable	186
Fittings	182-183
Mixers	181
PVDF	178
Rectangular	180-181
Stands	179
TEFLON Products:	See Fluoropolymer
Test Tube Racks	47-49
Beta Radiation	170
Half Racks	48
Retainers	47
Slant	49
Unwire	47-48
Vial	49
Thistle Tube, Safety	18
Tissue Culture Filterware Units	157-158
Top Works	118
Tubing	198-217
Connectors & Accessories	210-217
Clear Plastic	198-202
Fittings	210-216
Specification & Application Guide	217
Specialty	202-210
Tolerances	209
Tubing Cutter	210
Tubing Sizer	210
Tweezers	31
U	
Ultra Speed Centrifuge Ware	62, 63
Unwire Test Tube Racks	47-48
Use and Care of Plastics Guide	223-224
Utility Boxes	37
V	
Vacuum Equipment	50-52
Chambers	50
Jars	51
Manifold (Filterware)	162
Plates	51
Pumps	51-52
Vials	25, 46, 50, 124-126
Cryogenic	124-126
Rack	50
Sample with Closure	46
Volumetric Flasks	25
Wash Bottles	5

EXHIBIT

A13

MSN Home | My MSN | Hotmail | Search | Shopping | **Money** | People & Chat |

Sign In



WATERHOUSE
Open an Account
Get 25 FREE Trades

Ameritrade
Special Offer When
You Open An Account

sharebuilder.
Buy stocks for \$4
No Account Minimums

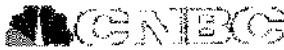
DATEK
Advanced tools
for active traders

Search the

Money

Home Investing Banking Planning Taxes Money Plus

Help



Investing Home Portfolio Markets Stocks Funds Insight Brokers CNBC TV

Quote, Chart, News
Snapshot

Quotes

Charts

Key Developments

Recent News

Research

Company Report

SEC Filings

Advisor FYI

Stock Rating

Earnings Estimates

Analyst Ratings

Financial Results

Insider Trading

Ownership

Community

Guided Research

Research Wizard

Find Stocks

Stock Screener

Power Searches

Top Rated Stocks

Related Links

E-mail & Alerts

IPO Center

Stock Competition

Message Boards

Name or Symbol: **US:AOT**

Find Symbol Print Report



Upgrade MSN Money Software

Apogent Technologies Inc.: Company Report

Apogent Technologies makes no apologies for its laboratory and life sciences equipment. About half of the company's sales are generated by its Clinical Diagnostics division, which makes such products as microscope slides, glass tubes and vials, test kits, and diagnostic reagents. Additional segments include Labware and Life Sciences (beakers, bottles, environmental and safety containers) and Laboratory Equipment (hot plates, shakers, stirrers). Operating through several subsidiaries, Apogent sells its goods primarily through distributors, but also directly to end users in the industrial, clinical, and research markets. The company's customers include Allegiance and Fisher Scientific International.

Stock Activity

Last Price	19.95
52 Week High	26.52
52 Week Low	16.87
Volume	312,700
Average Daily Volume (13wk)	423,700
50 Day Moving Average	20.55
200 Day Moving Average	23.57
Volatility (beta)	0.7

Detailed Quote

Financial data in U.S. dollars

Stock Price History

	Change	Relative Strength
Last 3	-15.4%	51



Need more information on this company?

Get histories, strategies, officers, products, operations with Hoover's Company Profiles -- learn more about Hoover's Online membership.

Quick Facts

Location	48 Congress Street Portsmouth NH 03801 Phone: (603) 433-6131 Fax: (603) 431-0860
Web Site	http://www.apogent.com
Industry	Medical Instruments &
Employees	6,400
Exchange	NYSE

Financials

	Last 12 Months	5 Year Growth
Sales	1.0 Bil	3.9%
Income	114.4 Mil	6.8%
Earnings/Share	1.08	NA
Dividend Rate	NA	NA
Dividend Yield	0.00%	0.00%
More Financials - as of 3/02		

Fundamental Data

Debt/Equity Ratio	0.75
Gross Margin	52.30%
Net Profit Margin	11.00%
Shares Outstanding	106.8 Mil
Market Capitalization	2.13 Bil

StockScouter Rating

EXHIBIT

A14